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LETTER DATED 8 JULY 1994 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached report addressed to me on 6 July 1994 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

The report refers only to Bosnia and Herzegovina, without entering into other questions within the purview of the Conference.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Report of the Co-Chairmen of the Steering Committee on the
activities of the International Conference on the Former
Yugoslavia

I. INTRODUCTION

1. The International Conference on the Former Yugoslavia (ICFY) was established in August 1992 to remain in being until a final settlement of the problems of the former Yugoslavia has been achieved. Its seat is at the United Nations Office at Geneva. The Co-Chairmen of the Conference are the Secretary-General of the United Nations and the Head of State/Government of the Presidency of the European Union. The activities of the Conference are supervised by a Steering Committee co-chaired by representatives of the Secretary-General of the United Nations and the Presidency of the European Union. The current Co-Chairmen of the Steering Committee are Lord Owen and Mr. Thorvald Stoltenberg. The day-to-day activities of the Conference are carried out by the Co-Chairmen of the Steering Committee and in working groups and task forces. Highlights of the activities of the Conference from January to June 1994 are provided below.

II. STEERING COMMITTEE OF THE INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

2. Meetings of the Steering Committee of the Conference were held on 2 February, 30 March and 16 May 1994. Issues discussed included: reports by the Co-Chairmen and the Chairpersons of working groups; review of developments; humanitarian issues; and budgetary matters.

3. On 16 May, the budget of the Conference for the six-month period from 1 June 1994 to 30 November 1994 was laid before the Steering Committee, as was a consolidated financial statement (see appendix I).

III. CONFIDENCE-BUILDING AND SECURITY ISSUES

A. Ad hoc working group

4. An ad hoc working group on confidence-building measures in respect of Bosnia and Herzegovina held two meetings at Sarajevo, on 25 and 26 January and on 5 February 1994. Both meetings were held at the airport and were chaired by Brigadier-General Bo Pellnäs of the International Conference on the Former Yugoslavia. The delegations of the parties were led by Prime Minister H. Silajdzic, Professor N. Koljevic and Mr. M. Akmadzic. The following results were achieved:

(a) Restoration of power lines. On 26 January an agreement was signed whereby the parties accepted that six major power lines/systems should be

restored immediately. The parties also agreed not to destroy any existing system or to prevent any efforts to repair power lines.

(b) Hot lines. The working group reviewed existing communication lines between the Army of Bosnia and Herzegovina and the Croatian Defense Council (HVO), as well as between HVO and the Bosnian Serb Army (BSA). During the second meeting BSA and the Army of Bosnia and Herzegovina agreed to establish communication links.

(c) Regular meetings between commanders. The parties agreed that such meetings should take place at the army level and that the first meeting should take place on 25 February, to be chaired by General Rose of UNPROFOR.

B. Consultations with Foreign Ministers of neighbouring countries

5. With a view to promoting confidence-building and security measures in the region, the Co-Chairmen of the Steering Committee arranged a consultation with the Foreign Ministers of neighbouring countries, which was held at the United Nations Office at Geneva on 9 February 1994. The meeting, which was of an informal character, reviewed the economic situation in the area, with particular regard to the consequences of sanctions on the economies of neighbouring countries. It also discussed the possibility of future cooperation on confidence-building and security issues. It was decided that further meetings would be held between the Co-Chairmen and the Foreign Ministers of neighbouring countries to discuss these issues and that the Co-Chairmen would commission a study on confidence-building and security measures.

C. Study on confidence-building and security measures

6. Accordingly, a study was commissioned from the Institute for Security Studies of the Western European Union and submitted to the Co-Chairmen on 22 April 1994. The study examines how far measures for regional stability involving both former Yugoslav successor States and their neighbours - and drawing on the experience of confidence- and security-building measures and arms control developed in the Conference on Security and Cooperation in Europe (CSCE) and the Treaty on Conventional Forces in Europe - could be applied in post-conflict former Yugoslavia to consolidated and reinforce a political settlement. In addition, it examines what regional arms transfer control regimes could be developed to assist stability in the post-conflict situation. It includes an examination of the role of various international organizations to see what contribution they could make to the negotiation and implementation of such measures.

7. The study recalls that at the CSCE Council meeting at Rome on 30 November and 1 December 1993, CSCE Foreign Ministers decided to examine the possible contribution of CSCE to security in south-eastern Europe through arms control, disarmament and confidence-building. This idea was linked to the functions of the CSCE Forum for Security Cooperation (FSC), which was given the possibility by the CSCE Helsinki Document 1992 (A/47/361-S/24370, annex, chap. V, para. 46,

sect. 6) of setting up negotiations on regional measures, including, where appropriate, reductions or limitations of armaments.

8. The study sets out five elements to be included in any process aimed at progressively achieving regional stability: three groups of confidence- and security-building measures and a two-stage arms control process. The first group of confidence- and security-building measures are those which can be used for stabilizing cease-fire agreements. The second group are those introduced to reinforce a political settlement. The third group of confidence- and security-building measures are those which could in the longer term and on a larger scale, enhance stability in the Balkans. The two rounds of arms control proposed include a first set of measures to limit the growth of armed forces in former Yugoslavia and the second round to impose ceilings, and possibly reductions, in order to prevent an arms race and the emergence of new threats.

1. Confidence- and security-building measures

(a) Measures for the stabilization of a cease-fire

9. In this category, the study lists the following elements:

(a) Agreement on the technical terms of a cease-fire (timing, area, forces affected and weapon categories);

(b) Measures of constraint, including:

(i) The disengagement of forces;

(ii) The establishment of a demilitarized zone 2 kilometres wide (1 kilometre on each side of the confrontation line);

(iii) The freezing of troop movements (and ultimately troop reductions) within a zone extending to 10 kilometres on either side of the confrontation line;

(iv) The withdrawal of heavy weapons from wider zones (10 kilometres from the confrontation line for mortar and air defence systems, 20 kilometres for tanks and artillery);

(c) Supervision of the cease-fire by United Nations Protection Force (UNPROFOR) and European Union (EU) monitors, including the right of inspections by UNPROFOR of all relevant military and paramilitary units and exclusive control of the demilitarized zone by UNPROFOR;

(d) Establishment of joint commissions, chaired by an UNPROFOR representative, to investigate any cease-fire violations.

(b) Measures to reinforce a political settlement

10. The following elements are listed in this category:

(a) The disarming and disbanding of irregular forces and constraints on paramilitary forces;

(b) The furthering of transparency by an exchange of military information (concerning the number and strength of military units, their location, weapons systems and equipment, and command structures);

(c) Wider constraints on military activities (movements, deployment and exercises);

(d) The establishment of direct communications links (hot lines) between relevant headquarters;

(e) The establishment of joint mediating teams (or the strengthening of existing joint commissions).

11. The study suggests that the above measures be supplemented by wider measures to be introduced at the time of a political settlement:

(a) The limitation of military flights and provision for international control of air traffic;

(b) An aerial observation system consisting of overflights by a third party (which in the longer term could be turned into an Open Skies regime for the former Yugoslavia);

(c) The reinforcement of confidence through the exchange of observers of military activities;

(d) The verification of stabilization through both regular and challenge inspections (notably with regard to heavy weapons sites and storage facilities). Starting from the experience already gained by UNPROFOR in the monitoring of heavy weapons, these should be grouped in areas where redeployment would be difficult and take time.

(c) Wider confidence- and security-building measures involving neighbouring States

12. According to the study, this third group of confidence- and security-building measures include those which, in the longer term, should cover the whole Balkan region. They should be considered after a period of some months of peace following the political settlement. Their primary aim would be to bring the five successor States of the former Yugoslavia to accept the confidence- and security-building measures already agreed to in CSCE, as set out in the Vienna document 1992, but they would need to go beyond this in order to satisfy the security needs of all the Yugoslav successor States and their neighbours, and would therefore have to cover a wider area than former Yugoslavia. It is suggested that they could be negotiated at a regional table within FSC.

2. Arms control

13. The study advocates that the first round of negotiations on control and verification measures be held within the framework of the International Conference on the Former Yugoslavia and involve only the successor States. The second round of negotiations on arms control measures - the introduction of ceilings which could involve reductions - should take place at a regional table within FSC and include the successor States and all immediate neighbours of the former Yugoslavia.

3. Territorial and minority rights issues

14. The study cautions that arms control by itself will not be effective in producing peace and stability if unsettled disputes concerning territories and borders remain and if substantial progress in minority rights is not made.

IV. SUCCESSION ISSUES

15. Twenty-two experts from all the parties participated in a session of the Working Group on Succession Issues chaired by Ambassador A. Jonsson and held at Geneva from 16 to 18 March 1994. The delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro) presented its preliminary inventory as well as an outline of the methodology applied in preparing it. The preliminary inventory consisted of some 2,600 items comprising some 75 per cent of the total value of the assets.

16. The overall division process was discussed, including the question of valuation and the key of division. The questions of archives, outstanding non-allocated debts of the Socialist Federal Republic of Yugoslavia and war damages were also discussed.

17. On 6 May 1994 the Federal Republic of Yugoslavia (Serbia and Montenegro) provided an expanded version of its inventory comprising some 8,000 items.

18. Following intensive consultations, the Chairman of the Working Group concluded that a new initiative was called for. This conclusion was based, among other things, on the following considerations: (a) negotiations on State succession issues have been going on since the second quarter of 1992; (b) extensive work has been done in clarifying the positions of the parties and their interpretation of their rights and obligations under international law; and (c) much information on the underlying economic factors has been gathered.

19. Mindful of these considerations and the principles of the London Conference, and in the light of calls from several quarters, it was decided to develop a proposal that could help solve the succession problems. The Chairman of the Working Group intends to present the proposal in the form of a comprehensive draft succession treaty, regulating matters such as archives, citizenship, treaties, assets and liabilities on 1 August 1994. Accordingly, the parties were urged to provide before 1 July any information on legal or economic matters they deemed useful.

20. The Chairman of the Working Group intends to leave time for reflection after the 1 August presentation of the initiative. The parties will be asked to provide their comments and suggestions by 1 October 1994, shortly after which a meeting will be held at Geneva, to which the parties will be invited to present their views orally.

V. ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

21. The Working Group on Ethnic and National Communities and Minorities, under the Chairmanship of Ambassador G. Ahrens, has continued its activities, inter alia, in the former Yugoslav Republic of Macedonia. Cooperation with UNPROFOR and the CSCE mission continues to be excellent.

22. The Working Group's efforts in the former Yugoslav Republic of Macedonia have been more difficult in recent months owing to: political polarization that made it difficult to get measures adopted by Parliament; growing economic problems in the Republic; and a pre-election climate - elections are to be held later this year.

23. Against this background, the Working Group had separate contacts with the Government and with Albanian representatives, concentrating on matters where progress seemed possible before the elections. The recent visits of the Group to Skopje (7-8 January, 2-3 February, 20-23 April and 20-24 May) were relatively successful, and seven issues were identified where solutions were considered possible. The Government agreed on the selection of these issues:

(a) Census. For over one year, an International Census Expert Group formed by the International Conference on the Former Yugoslavia and the Council of Europe has been actively engaged in assisting in preparation for a census in the Republic. The census is necessary because widely different figures about the ethnic composition of the country's population create tensions. On 21 April 1994 the Conference received assurances from the Government that it would incorporate into the draft census law all the proposals made by the International Census Expert Group. On 18 May, the law was passed in Parliament and the Expert Group is now engaged in technical preparations. The Working Group on Ethnic and National Communities and Minorities visited the former Yugoslav Republic of Macedonia in the second week of June in order to explain the census to the population of different nationalities with a view to securing participation. The census began on 21 June. Representatives of the Conference will be present in Skopje throughout the census (21 June-5 July 1994);

(b) Print media. The Government had assured the International Conference on the Former Yugoslavia that it would very soon find the financial means to make the daily appearance of the Albanian language newspaper, Flaka E Vellazerimit, possible. It subsequently commenced daily publication at the beginning of June;

(c) Television. The Conference is expecting a proposal for initial financing of a separate television channel for emissions in language other than Macedonian. This plan will involve several phases so that the most important parts of the Republic might be covered first. The Government is in favour of

such a project, provided that initial financing comes from abroad. As soon as the Conference receives the proposals by Macedonian Television, it will approach possible donor countries and organizations;

(d) Radio. A parallel project, as for television, is being pursued for radio, which will be less costly than the television channel. The Government is prepared to support this project on the same basis as the television project;

(e) Pedagogical Academy. The Government has told representatives of the International Conference on the Former Yugoslavia that, as of the academic year 1994/95 there would be offered, at the existing Pedagogical Academy, training courses for Albanian language teaching in the arts, music, geography and history in classes from the fifth grade onward. The University Council had yet to be involved. The International Conference on the Former Yugoslavia will meet with the Chairman of the Council in Skopje soon;

(f) School materials and documentation. The Government informed the Conference that a new draft law had been sent to Parliament, according to which, in Albanian language classes, only the more important documentation and not the less important materials would have to be translated into Macedonian. As it is a general principle of law not to pursue offences once it is clear that the offence in question will no longer be punished according to legislation under preparation, the International Conference on the Former Yugoslavia has appealed to the competent authorities to stop the fining of Albanian teachers for not translating materials;

(g) National flags and symbols. There is agreement that Albanians may, under certain circumstances, show Albanian national flags, together with the flag of the Republic.

24. After the census, the International Conference on the Former Yugoslavia will continue discussions on a number of other issues which have been on the table for a while and include some difficult political questions relating to aspects of the Constitution and the Law on Local Self-Government.

VI. ECONOMIC ISSUES

25. The Working Group on Economic Issues reconvened on 28 and 29 March 1994. The meeting was called to discuss the role to be played by the International Conference on the Former Yugoslavia and the Working Group in the process of rehabilitation, reconstruction and development. At the outset the delegation of Slovenia made clear its intention not to participate fully in discussions concerning reconstruction but rather only to observe. The remaining delegations all shared the view that a role existed for some form of multilateral oversight of the process, while each expressed reservations relating to their own priorities and views of the preconditions for reconstruction. The Chairman of the Working Group, Mr. Jean Durieux, presented his idea of an ad hoc structure, created specifically for the needs of reconstruction with the double role of coordination and monitoring. This ad hoc structure would be multilateral and placed under the aegis of the International Conference on the Former Yugoslavia.

26. On the second day, the meeting was attended by representatives of UNPROFOR, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Management Group, who contributed to a discussion on the rehabilitation of Sarajevo and the high-level cooperation committee convened by UNPROFOR each week, as well as other issues relating to the respective roles of the different interested parties.

27. The Working Group met again on 5 and 6 May with reconstruction on the agenda, and in particular the question of the organization to be established to ensure that the process is carried out in a coherent manner, making the most effective use of external public assistance and maximizing the contribution of private investment. The Working Group was also to consider what parts of its previous work remained relevant and could be used in the context of rapid implementation of a reconstruction programme.

28. After extensive discussion of the various positions, the delegations agreed on the general lines of a text prepared by the Chairman on the position of the Group regarding the questions posed by reconstruction. The delegations were to submit any proposed amendments in written form.

29. The next meeting of the Working Group was held on 6 and 7 June, when the agenda consisted of the following: a statement by each delegation on the state of advancement of economic reform in their country; presentations by representatives of the World Bank and the European Bank for Reconstruction and Development on their view of the problems posed by reconstruction; and the relations of the Group with the UNPROFOR Department of Civil Affairs, UNHCR and the International Management Group.

VII. HUMANITARIAN ISSUES

30. The Working Group on Humanitarian Issues, chaired by the United Nations High Commissioner for Refugees, Mrs. S. Ogata, has continued to function as a framework for reviewing the humanitarian situation in the former Yugoslavia with the different parties in the region, and with the governmental and intergovernmental actors supporting the international relief effort led by UNHCR.

31. In all countries of the region, this effort has helped large numbers of refugees, displaced persons and other victims in need of humanitarian assistance through the third winter of conflict in former Yugoslavia in spite of often enormous obstacles. In Bosnia and Herzegovina, the humanitarian situation has improved markedly since February, as a result of the Sarajevo cease-fire agreement and the cessation of hostilities between the Bosnian Government and Bosnian Croat forces. Freedom of civilian movement across some confrontation lines is gradually improving, thanks to agreements brokered by the Department of Civil Affairs of UNPROFOR and with the assistance of UNHCR. Though normal commercial traffic has not yet resumed, commercial goods have arrived in central Bosnia on convoys organized by local humanitarian organizations. UNHCR and other international humanitarian organizations have been able to operate convoys more smoothly than in the past, although security risks and obstruction of access remain.

32. Hostilities around the Maglaj pocket and the attacks on Gorazde in April, were serious setbacks encountered during the spring, which resulted in numerous casualties and new displacements. In both cases, humanitarian access to bring in relief supplies and to evacuate the wounded, could only be obtained after heightened international pressure. The International Committee of the Red Cross has continued to work towards the release of all civilian detainees. A matter of grave concern has been the reported ongoing risk of intimidation and violent harassment of Muslims and ethnic Croat civilians in north-western Bosnia and Herzegovina.

33. On 2 February, Mrs. Ogata briefed the Steering Committee of the International Conference on the Former Yugoslavia at Geneva on developments in the humanitarian field. From 14 to 17 March 1994 she travelled to the region and discussed humanitarian concerns with President Gligorov at Skopje, President Milosevic at Belgrade, President Bulatovic at Podgorica, President Izetbegovic at Sarajevo, members of the Croatian Government at Zagreb and local Croatian and Serb authorities on both sides of the front line in Sector West. Topics of discussion included the difficult situation in the former Yugoslav Republic of Macedonia; the effects of international sanctions on the most vulnerable; refugee protection issues in Serbia and Montenegro; convoy access to the Maglaj pocket and elsewhere in Bosnia and Herzegovina; the opening of Tuzla airport for humanitarian flights; continuing violations of human rights and, in that connection, the ongoing and vital need to grant refugees admission to safety; and the situation of displaced persons in Croatia, including their desire to return to their homes. At Sarajevo, Mrs. Ogata met with General Rose, and at Zagreb with Mr. Akashi, to review the important assistance provided by UNPROFOR to the international relief effort in Bosnia and Herzegovina.

34. Upon Mrs. Ogata's return on 18 March, the status of the international assistance effort was discussed at a meeting of the Working Group on Humanitarian Issues, held at Geneva with representatives of States from the region and of many countries and the United Nations and other organizations supporting or involved with the relief effort. Besides ongoing concerns, the positive developments in Sarajevo and in central Bosnia were noted, which could create conditions that open the way for rehabilitation and recovery assistance. It was also noted that rehabilitation and reconstruction would play an important role in creating conditions conducive to the return of refugees and displaced persons.

35. The latter complex issue was discussed in an informal meeting on temporary protection, held at Geneva on 23 March, where UNHCR advised Governments to improve further the standards of treatment of beneficiaries of temporary protection in the areas, for example, of family reunion and work, in view of the prolonged period of exile and pending further developments which could lead to return in safety and dignity.

36. On 11 May, following an assessment mission to the region, the Department of Humanitarian Affairs of the United Nations Secretariat and UNHCR launched a revised consolidated inter-agency appeal, for \$532 million, representing the unmet requirements until the end of 1994 of the main United Nations agencies participating in the relief effort. It covers the cost of international humanitarian assistance in sectors such as food and nutrition, health, shelter,

domestic needs, community services and education, to 4.1 million beneficiaries in the five States of former Yugoslavia. As to Bosnia and Herzegovina, the appeal foresees continued relief assistance to displaced persons and other war-affected populations, but positive developments in parts of the country may allow a shift from dependency to self-sufficiency. Pending the consolidation and expansion of these developments, full donor support remains crucial. Constant reassessment of the needs is carried out to take the evolving situation fully into account.

VIII. PEACEMAKING IN THE UNITED NATIONS PROTECTED AREAS AND RELATED AREAS

37. At the beginning of January, negotiators of the International Conference on the Former Yugoslavia developed a strategy for the continuation of negotiations, based on a three-phased approach of cease-fire, followed by economic confidence-building measures, leading finally to negotiation of the political questions. This strategy had been agreed to by the parties in Norway in November 1993. The strategy and the associated negotiating arrangements were coordinated with UNPROFOR.

38. Following the signature at Geneva, on 19 January 1994 of an agreement on cooperation between Zagreb and Belgrade, the Conference negotiators became involved in intensive bilateral negotiations at Zagreb, Belgrade and Knin, on a number of economic issues and predominantly on the question of the opening of the Zagreb-to-Belgrade highway, which runs through United Nations Protected Area (UNPA) Sectors West and East. They identified the main problems to be resolved if the highway were to be opened and made significant progress towards a workable model, should the opening take place. Subjects such as the restoration of telephone links between Zagreb and Belgrade were also discussed. There were numerous contacts with the Sanctions Assistance Mission in Croatia to understand the implications of sanctions on the opening of communications routes and to ensure that these provisions were not inadvertently broken during the negotiation process.

39. After the local Serb elections on 23 January 1994, the Conference negotiators continued to concentrate on certain economic questions, seeking to define common ground between the parties. On the Croatian side, the main interest was in the opening of communications routes and major infrastructure, while on the Serb side, the interest was in the lifting of paragraph 12 of Security Council resolution 820 (1993) of 17 April 1993, thus allowing the Serbs to trade independently of the Government of Croatia. In addition to the negotiations on the opening of the Zagreb-to-Belgrade highway and other routes, the Conference negotiators attempted to start the process with a package dealing, inter alia, with preparation for the agricultural season, provision of seed, fertilizer and fuel to the Serbs and issues related to energy and water supplies, such as attempts to start with the return of generator poles to the Serbs in Obrovac and the restoration of the water supply by the Serbs to Zadar. The Serb side also demanded that pensions be paid by the Government of Croatia to those persons who had earned them before the outbreak of hostilities, and the Government showed interest in this.

40. During the latter half of February there were a number of incidents that raised tensions between the parties. In early March, negotiating activity centred on attempts to set up a two-day meeting with only military representation to agree on a cease-fire, and on efforts to arrange the removal of a Croatian patrol that had infiltrated Serb-held territory near Gospic and was then pinned down. On the economic side, the International Conference on the Former Yugoslavia arranged for the inspection by international experts of the Obrovac generator poles and the Zadar water supply system. The latter point was intended as a confidence-building measure and was the only one on which any progress was made, with a team of Norwegian experts conducting the inspections between 21 and 25 March.

41. On 22 March, the parties met at the Russian Embassy at Zagreb and started negotiations on a cease-fire. The negotiations were co-chaired by Ambassadors Eide and Ahrens of the International Conference on the Former Yugoslavia, assisted by military negotiators from the International Conference on the Former Yugoslavia and UNPROFOR. Russian Deputy Foreign Minister Churkin and United States Ambassador Galbraith also participated throughout the negotiations and made a significant contribution to the process. Progress was made, but the parties were unable to reach an agreement and there was an adjournment of one week.

42. On 29 March, the parties returned to the Russian Embassy at Zagreb and signed a cease-fire agreement after a long and very difficult session (S/1994/367, annex). At that time, they agreed to return to the Embassy two weeks later to commence negotiations on economic measures of common interest. However, a few days later the Serb side indicated that the Embassy was no longer acceptable as a venue. Therefore, the meeting scheduled for 12 April to commence economic negotiations had to be cancelled. Since then, the parties have been unable to agree on a venue for the negotiations.

43. In early April, the Conference negotiators, in cooperation with the Ambassadors of the Russian Federation and the United States of America at Zagreb, drafted a programme of economic measures to form the basis for the forthcoming negotiations. This working document was presented to the parties by the Conference negotiators, accompanied by the Ambassador of the Russian Federation, and was largely accepted by the Government of Croatia. However, on 10 April 1994, the local Serb authorities said that it did not reflect their position and that they would provide their own input. This has yet to be received. However, the Conference negotiators have repeatedly stated their readiness to include further Serb proposals in order to make the document as comprehensive and balanced as possible.

44. On 21 April, a new "Government" was formed at Knin. The Conference negotiators had their first contacts with the new local Serb interlocutors, meeting Mr. Mikelic, the new "Prime Minister", at Petrinje on 30 April and Mr. Babic, the new "Foreign Minister", at Belgrade on 4 May. Since then, they have continued to have a number of meetings with both sides in an attempt to find common ground on the question of a venue for economic negotiations. Eventually, agreement was reached on a meeting to be held at Plitvice. Efforts are under way to resolve disagreements on peripheral issues that have thus far kept the meeting from taking place.

IX. PEACEMAKING IN BOSNIA AND HERZEGOVINA

45. In paragraph 12 of the report submitted to the Security Council on 29 December 1993 by the Co-Chairmen of the Steering Committee (S/26922), the stage which peacemaking efforts in respect of the situation in Bosnia and Herzegovina had reached was summarized as follows:

"(a) There is agreement among all three sides that Bosnia and Herzegovina should be organized as a Union of three republics;

"(b) There is agreement that the Muslim-majority Republic should have 33.3 per cent of territory and the Croats should have 17.5 per cent;

"(c) At Brussels on 23 December, the Co-Chairmen appealed to all three sides to observe a holiday truce to cover the period 23 December to 15 January. All three leaders accepted this appeal and undertook to give instructions to their military commanders down to the local level to observe the cease-fire faithfully;

"(d) The three sides have agreed to return to Geneva on 15 January 1994 to continue the search for peace;

"(e) Working Groups have been established to look into the following issues and to help reach agreement on them by 15 January:

"(i) The definition of the Mostar city area that would be placed under the temporary administration of the European Union;

"(ii) Technical arrangements for providing the Muslim-majority Republic with road and rail access to Brcko and the Sava river, without prejudice to the Muslim-majority Republic's continued support for the arrangements agreed on the HMS Invincible;

"(iii) Access of the Muslim-majority Republic to the sea;

"(iv) Continued discussions between Mr. Silajdzic and Mr. Krajisnik on territorial delimitation."

46. During a resumed round of talks on 18 and 19 January, a map proposed by the Bosnian Serbs was on the table offering the Muslim-majority Republic 33.56 per cent while the Bosnian Serbs and the Bosnian Croats declared their willingness to pursue discussions to settle between them the delimitation of territory so as to assure the Bosnian Croats 17.5 per cent.

47. In paragraph 8 of their report to the Security Council dated 21 January 1994 (S/1994/64), the Co-Chairmen reported the following:

"President Izetbegovic acknowledged that the Muslim-majority Republic was being offered 33.56 per cent. He submitted, however, that the map should be altered so as to include in the territory allocated to the Muslim-majority Republic certain areas in eastern and western Bosnia where the Muslims had been in the majority before the outbreak of the conflict,

as well as certain areas in central Bosnia, while keeping within the target of 33.3 per cent."

48. The Co-Chairmen consulted the parties concerning an arbitration procedure for breaking the impasse. After those consultations, the Co-chairmen submitted to the parties as procedure, whereby the disputed territory could be referred to an arbitration commission whose recommendations would then go to the Security Council. The Bosnian Serbs and the Bosnian Croats were willing to accept these procedures. President Izetbegovic rejected them because too many areas of importance to the Muslim-majority Republic would be left unresolved and they were unwilling to have Serb or Croat forces remaining in the disputed territories, which they consider should be a part of their Republic.

49. At another round of talks on 12 February the Co-Chairmen tried a number of avenues to get the parties to move towards agreement on the territories still under dispute. They first invited the parties to indicate whether the number of disputed areas could be reduced. This did not prove possible. The Co-Chairmen then invited the parties to consider whether it might be possible to move to a peace agreement by arranging for some of the areas to be treated as protected areas, while a few of them could be placed under international administration. These possibilities were kept open, but discussion of them was affected by the Bosnian Serbs' contention that the Bosnian Presidency, having agreed to 33.3 per cent, was trying to pocket the 33.56 per cent already offered and still to maintain a list of disputed areas. A similar contention was put forward by the Bosnian Croats who asked for recognition also from the Bosnian Muslims that they should have 17.5 per cent of the territory. The Bosnian Presidency, however, maintained its claims. It added that it could only accept the Croats having 17.5 per cent on the condition that it was not prejudicial to the Presidency's claims.

50. The Co-Chairmen again consulted the parties on the proposed arbitration procedure. All three sides said that they accepted the concept of arbitration, but the Bosnian Presidency maintained its position that before an arbitration procedure could be used there should be withdrawal of military forces from the areas in question. The Bosnian Croats and the Bosnian Serbs accepted that there needed to be a withdrawal of forces, accompanied by the insertion of United Nations civilian police, in order to encourage people who lived there before the war to return, but that the areas had to be within the provisional boundaries of the Republics. The Bosnian Presidency maintained that the disputed areas could not be considered as falling within the provisional boundaries of the Republics.

51. The Co-Chairmen consulted the parties on other possible avenues for overcoming the hurdle over the disputed territories. Among the possibilities mentioned was the establishment of an International Joint Control Commission whose task would be to ensure that nothing was done in any of the disputed areas to alter their character or status, or which could be prejudicial to their eventual allocation while the arbitration procedure functioned. Another possibility mentioned was referral of the disputed areas to the Security Council or to a group of members of the Council. The parties were asked to suggest other possible procedures for reaching agreement on the outstanding territorial issues. No such suggestion was forthcoming.

52. In the circumstances, it was agreed that the parties should consult bilaterally and should also have discussions with the special envoys of the Russian Federation and the United States of America. In the light of those further consultation, the Co-Chairmen would assess the situation with a view to inviting the parties back to Geneva for further talks.

53. Subsequently, the Bosnian Muslims and the Bosnian Croats held discussions in Vienna and Washington, D.C., and on 1 March, the following agreements were signed by Dr. Silajdzic, Prime Minister of the Republic of Bosnia and Herzegovina, Dr. Granic, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia, and Mr. Zubak, Head of the Bosnian Croat delegation (S/1994/255):

(a) Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croat Population;

(b) Outline of a Preliminary Agreement for a Confederation between the Republic of Croatia and the Federation.

54. After further negotiations between the same delegations in Vienna and Washington, the "Constitution of the Federation of Bosnia and Herzegovina" was signed in Washington on 18 March. The Constitution provides that:

"Bosniacs and Croats, as constituent peoples (along with others) and citizens of the Republic of Bosnia and Herzegovina, in the exercise of their sovereign rights, transform the international structure of the territories with a majority of Bosniac and Croat population in the Republic of Bosnia and Herzegovina into a Federation, which is composed of federal units with equal rights and responsibilities."

It further provides that:

"The decisions on the constitutional status of the territories of the Republic of Bosnia and Herzegovina with a majority of Serb population shall be made in the course of negotiations towards a peaceful settlement and at the International Conference on the Former Yugoslavia."

The constitution of the Federation was subsequently approved by the Assembly of the Republic of Bosnia and Herzegovina, acting as the Constituent Assembly of the Federation; consequently, the Constitution entered into force. Follow-up agreements were signed at Vienna on 11 May.

55. With a view to facilitating further negotiations among the parties to the conflict in Bosnia and Herzegovina, consultations were undertaken on the establishment of a Contact Group that would work together with the parties to help bring about a comprehensive settlement. The Contact Group, as eventually established, consists of representatives of the Russian Federation and the United States of America and designees from the International Conference on the Former Yugoslavia, representing both the United Nations and the European Union. The Conference designees are representatives from France, Germany and the United Kingdom of Great Britain and Northern Ireland, as well as a legal adviser from the secretariat of the International Conference on the Former Yugoslavia. The

Contact Group held its first round of discussions with representatives of the parties on 25 and 26 May. Since then, it has met on its own and has also had further contacts with the parties.

56. The members of the Contact Group have been guided by the past work done within the International Conference on the Former Yugoslavia, by the European Union Action Plan and by the communiqué issued by the Foreign Ministers of Belgium, France, Germany, Greece, the Russian Federation, the United Kingdom and the United States, who met at Geneva on 13 May (see S/1994/579, annex). The Co-Chairmen of the Steering Committee had an exchange of views with the Foreign Ministers on that occasion.

57. The Contact Group has thus far concentrated on the preparation of a map for the allocation of territory on the basis of 51 per cent for the Bosniac-Croat Federation and 49 per cent for the Bosnian Serbs; discussion of future constitutional arrangements; and the development of incentives and disincentives to encourage acceptance of a peace package and to discourage rejection thereof.

58. The Foreign Ministers of France, Germany, Greece, the Russian Federation, the United Kingdom and the United States met at Geneva on 5 July and considered recommendations of the Contact Group. The Ministers welcomed the territorial proposal developed by the Contact Group and directed it to present the proposal to the representatives of the Bosnian Government and the Bosnian Serbs. The Ministers strongly supported the territorial proposal "as a reasonable basis for an immediate political settlement". The Ministers considered that the proposal "represents an important moment of opportunity, which may not come again". They said they were united in the belief that the war could be ended now and that the consequences of failing to do so would be grave.

59. The territorial proposals of the Contact Group, together with indications of incentives and disincentives, were communicated to delegations of the Bosnian Government and the Bosnian Serbs on 6 July at Geneva. They have been asked to give their response within two weeks.

60. The Ministers indicated that there were important incentives for the parties to accept the proposed map. They said that for the Bosnian Government they were ready to assist in the implementation of a territorial settlement and to help with reconstruction, and that for the Serbs, sanctions would be suspended geared to their pullback to the lines indicated on the map.

61. The Ministers further indicated that if the parties did not agree they could expect more pressure to be applied. In particular, existing Security Council resolutions concerning safe areas would be rigorously enforced. They said that the necessary planning was being undertaken. The Ministers added that as a last resort, a decision in the Security Council to lift the arms embargo could become unavoidable and that would have consequences for the presence of UNPROFOR.

62. The Ministers called upon the parties to observe and prolong the cease-fire and to refrain from military action.

63. The Ministers agreed to meet again before the end of July.

Appendix

Financial status of the International Conference on the
Former Yugoslavia as at 30 April 1994

(rounded to the nearest \$100)

US\$

I. Contributions received

First financial period - six months (total budget \$3,374,000)	3 096 700
Second financial period - six months (total budget \$2,710,000)	2 329 200
Third financial period - six months (total budget \$2,028,000)	1 196 100
Fourth financial period (has not been budgeted or assessed)	-
Fifth financial period - six months (total budget \$1,600,000)	-
Total contributions	<u>6 622 000</u>

II. Estimate of expenditures and commitments
not including programme support costs

First financial period	2 531 800
Second financial period	1 513 800
Third financial period	1 594 500
Fourth financial period	357 200
Fifth financial period	-
Total expenditures	<u>5 997 300</u>



Security Council

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S/1994/812
11 July 1994
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ORIGINAL: ARABIC

LETTER DATED 7 JULY 1994 FROM THE PERMANENT REPRESENTATIVE OF
KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I am transmitting to you herewith the text of a press statement adopted by the ninth meeting of the Ministers for Foreign Affairs of the Damascus Declaration countries, held at Kuwait on 5 and 6 July 1994.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

Annex

Press statement adopted by the ninth meeting of the Ministers
for Foreign Affairs of the Damascus Declaration countries,
held at Kuwait on 5 and 6 July 1994

The Ministers for Foreign Affairs of the Damascus Declaration countries held their ninth meeting on 5 and 6 July 1994 in the State of Kuwait under the chairmanship of His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, and with the following in attendance:

His Excellency Sheikh Hamdan Bin Zayed Al Nahayan, Minister of State for Foreign Affairs of the United Arab Emirates;

His Excellency Sheikh Muhammad Bin Mubarak Al Khalifa, Minister for Foreign Affairs of Bahrain;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;

His Excellency Mr. Farouk Al-Shara', Minister for Foreign Affairs of the Syrian Arab Republic;

His Excellency Mr. Yusuf Bin Alawi Bin Abdullah, Minister of State for Foreign Affairs of Oman;

His Excellency Sheikh Hamad Bin Jassem Bin Jabr Al Thani, Minister for Foreign Affairs of Qatar;

His Excellency Mr. Amre Moussa, Minister for Foreign Affairs of Egypt.

His Excellency Sheikh Fahim Bin Sultan al-Qasimi, Secretary-General of the Gulf Cooperation Council, also participated in the meeting.

The Ministers conveyed their gratitude and appreciation to the Amir, Government and people of Kuwait for the warm reception and kind hospitality accorded to them and expressed their happiness and admiration at the accomplishments made in reconstruction following the iniquitous Iraqi invasion, the dire effects of which they had seen on last meeting in Kuwait immediately after its liberation.

The Ministers welcomed the Judgment of the International Court of Justice issued on 1 July 1994 in the dispute between Bahrain and Qatar, expressed their satisfaction that it had been accepted by the two parties and reaffirmed the need for the peaceful settlement of disputes on the basis of international law.

The Ministers considered the continued pursuit by the Iraqi regime of a policy of procrastination and selectivity in the implementation of the Security Council resolutions relating to its aggression against Kuwait, and they noted that the Iraqi regime was thereby attempting to adopt a piecemeal approach to

those resolutions and to evade the interrelated international obligations that they imposed upon it and that represented an integral legal and political whole. The Ministers condemn the fact that the Iraqi regime is failing to comply fully with the relevant United Nations resolutions and is violating the terms of the cease-fire established by resolution 687 (1991) by reiterating its expansionist claims to the State of Kuwait, by declining to recognize Kuwait's sovereignty and boundaries and threatening its independence and by jeopardizing the security of the region. The Ministers affirm that respect for the sovereignty and independence of the State of Kuwait in accordance with paragraph 2 of resolution 687 (1991) and for its international boundaries as endorsed by the Security Council in its resolution 833 (1993) are of the essence of the obligations set forth in resolution 687 (1991). The Ministers urge the Security Council to continue to bring pressure to bear on the Iraqi regime to comply fully with all the relevant United Nations resolutions and particularly those requiring recognition of the international boundaries between the two countries, the release of Kuwaiti and third-country prisoners and detainees, the payment of compensation and the undertaking not to commit or promote any act of terrorism or sabotage.

The Ministers stressed once more their firm interest in the unity, sovereignty and territorial integrity of Iraq and their sympathy for the fraternal Iraqi people in its plight. They affirmed that the Iraqi regime bore full responsibility for that plight as a result of its refusal to implement Security Council resolutions 706 (1991) and 712 (1991) addressing the issue of Iraq's needs in terms of food and medicines.

The Ministers reviewed recent developments in relations with the Islamic Republic of Iran. They expressed great regret that the Islamic Republic of Iran had failed to respond to repeated calls from the United Arab Emirates, and particularly to the initiative of its President, His Highness Sheikh Zayed Bin Sultan Al Nahyan, for the conduct of an earnest and direct dialogue with a view to ending the Iranian occupation of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates, in accordance with international law and conventions and on the basis of the principles of good-neighbourliness and mutual respect. The Ministers renewed their support and backing for the United Arab Emirates in the matter of its sovereignty over the three islands.

The Ministers reviewed the various stages through which the peace process had passed since the Madrid conference and considered its status at the present time. They noted with deep concern the standstill in negotiations with Syria and with Lebanon because of Israel's intransigence and its failure to apply the principles on which agreement had been reached in the course of the Madrid Peace Conference as well as the principle of land for peace.

In their discussion of the autonomy agreement signed at Cairo as a first step towards peace, the Ministers affirmed that the essence of the peace process lay in the achievement of a just and comprehensive peace in all domains and particularly those involving Syria and Lebanon.

The Ministers noted Israel's increasingly unyielding attitude in recent times and the escalation of its aggressive and provocative practices in the occupied Arab territories and against Syria and Lebanon in particular.

They affirm the importance of adherence to the principles and rules of the Madrid conference, to international legitimacy and to a comprehensive and just peace linked with full withdrawal from all occupied Arab territories, including Jerusalem, the Golan and southern Lebanon.

In light of their endorsement of the peace process and their continued participation in its promotion, the Ministers expressed their support for Syria and Lebanon and their backing for their just demand for the restoration of all their territory under occupation, in implementation of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and in accordance with the principle of land for peace. In this connection, the Ministers for Foreign Affairs of the Damascus Declaration countries affirmed that Israeli withdrawal from the occupied Syrian Golan to the line of 4 June 1967 must take place as quickly as possible.

The Ministers condemned Israel's continued acts of aggression against Lebanon and its attempts to adopt a piecemeal approach to a solution, and they affirmed that their countries adhered to the achievement of a just and comprehensive peace in accordance with the resolutions of the United Nations given that that was the only way to guarantee the security and stability of all the States in the region.

The Ministers called upon the United States of America and the Russian Federation, the co-sponsors of the peace process, to do their utmost to break the deadlock in that process. They expressed the hope that the forthcoming visit to the region of Mr. Warren Christopher, United States Secretary of State, would yield positive results and lead to tangible progress and that it would lend momentum to the peace process and to the achievement of a just and comprehensive solution.

The Ministers requested His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, in his capacity as Chairman of the meeting, to inform the United States of America and the Russian Federation, the co-sponsors of the Peace Conference, of the deep concern of the Damascus Declaration countries at the standstill in the negotiations with Syria and with Lebanon as a result of Israel's intransigence and its failure to apply the principle of land for peace.

The Ministers further took note with concern of the latest developments in the situation in Somalia, and they called upon the Somali leaders to give priority to the national interest in order to ensure the achievement of peace and security in the country.

The Ministers voiced their deep concern at the increased severity of the fighting in Afghanistan, and they called upon all Afghan leaders to halt the fighting and seek a solution through dialogue so as to safeguard the interests of the Afghan people.

The Ministers had followed with deep concern the continuing human tragedy of the people of Bosnia and Herzegovina resulting from the policies of aggression and ethnic cleansing pursued by the Serbian forces, their persistence in defying international legitimacy, their violation of the Charter and covenants of the United Nations and their endeavour to create facts. The Ministers, condemning the continuing Serbian aggression, renew their request to the Security Council and to the international community that Bosnia and Herzegovina should be enabled to exercise its inherent right to self-defence in accordance with Article 51 of the Charter of the United Nations by the lifting of the arms embargo imposed on it and that the sanctions against the Serbs be increased, pressure on Serbia and Montenegro be redoubled and any reward for aggression be withheld. In this connection, the Ministers express their support for the resolution adopted by the meeting of Ministers for Foreign Affairs of the Movement of Non-Aligned Countries held at Cairo in June 1994 and calling for the convening of an international conference on Bosnia and Herzegovina under United Nations auspices with a view to achieving an immediate cease-fire, declaring all of the Republic of Bosnia and Herzegovina a safe area, ensuring respect for the sovereignty, independence and territorial integrity of the country and achieving a settlement that is fair to all parties.

At the kind invitation of that country, the Ministers agreed to hold their next meeting in the Arab Republic of Egypt.



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S/1994/813
11 July 1994

ORIGINAL: ENGLISH

LETTER DATED 11 JULY 1994 FROM THE PERMANENT REPRESENTATIVE
OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

In response to the Russian delegation's press release No. 13 of 30 June 1994 concerning the situation in Bosnia and Herzegovina, my delegation wishes to highlight misleading and offensive labels and terminology, routinely employed by the Belgrade regime and its surrogates, which were repeated in said press release.

We deeply regret that the press release on 10 separate occasions refers erroneously to our Government and/or army as the "Muslims". We want to state the fact that the Government of the Republic of Bosnia and Herzegovina and the Government of the Federation of Bosnia and Herzegovina have always represented and consisted of people of all ethnic and religious backgrounds and this fact will continue to hold true in the future.

The most troubling aspect of the press release is the statement reading: "As stated recently by President of the Serbian Republic R. Karadzic, if the offensive continued for a few more days, the Army of the Serbian Republic would 'go over from passive defensive to an active one and will whisk the Muslims off to their territories'." My Government believes that this statement and the language contained therein is inconsistent with the role of the Russian Federation as a Member State of the General Assembly and of the Security Council, neither of which recognize the authority of Dr. Karadzic, which has been usurped through aggression and genocide. Furthermore, this language is inconsistent with the Russian Federation's role as a Contact Group member trying to deliver peace to the Republic of Bosnia and Herzegovina.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative



Security Council

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11 July 1994
ENGLISH
ORIGINAL: ARABICLETTER DATED 8 JULY 1994 FROM THE PERMANENT REPRESENTATIVE
OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to bring to your attention the latest attempts of the Iraqi regime and the methods used by it to evade its obligations as set forth in the Security Council resolutions relating to its aggression against the State of Kuwait, in particular resolutions 687 (1991) and 833 (1993). Iraq adopts this approach with a view to deceiving the international community by creating the illusion that its obligations are limited to divesting itself of weapons of mass destruction, by claiming that it has discharged those obligations and then calling upon the Security Council to mitigate the economic sanctions. In doing so it chooses to ignore those of its obligations that relate to the essence of the conflict, namely respect for the sovereignty, independence and international boundaries of Kuwait.

We set forth hereunder a number of facts that will shed light on the devious methods employed by Iraq in its attempts to circumvent the resolutions of the Security Council.

I. IRAQ'S LEGAL OBLIGATION TO RESPECT THE INDEPENDENCE
AND SOVEREIGNTY OF KUWAIT

In his meetings with the members of the Security Council during his visit to New York in the second week of May 1994, Tariq Aziz, Deputy Prime Minister of the Iraqi regime, tried to convince them that Iraq had discharged its obligations with regard to Kuwait. He told them that as far as Iraq was concerned the issue was considered closed after the measures it had taken in implementation of paragraph 2 (a) of resolution 686 (1991) concerning the rescission of Iraq's annexation of Kuwait and with its acceptance of resolution 687 (1991) as embodied in documents S/22342 of 8 March 1991 and S/22480 of 11 April 1991.

In this regard we should like to state as follows:

1. The measure taken by Iraq on 28 February 1991 rescinding its annexation of Kuwait in implementation of paragraph 2 (a) of resolution 687 (1991) was an administrative measure that rescinded an administrative decision taken by Iraq

during its occupation of Kuwait. It does not represent any legal obligation on the part of Iraq to respect the sovereignty, independence and territorial integrity of Kuwait in accordance with the demand made in paragraph 2 of resolution 687 (1991) of 3 April 1991.

2. That Iraq has addressed itself to one of the particulars of the aforementioned resolution 686 (1991) does not by any means absolve it from the obligations set forth in the subsequent resolution 687 (1991). That resolution sets forth other obligations that were intended to form the major basis for a durable and official cease-fire. Foremost among these obligations is that set forth in paragraph 2 of the resolution, in which the Council demands that Iraq and Kuwait respect the inviolability of the international boundary and the sovereignty and independence of each State as set out in the Agreed Minutes of 1963.

Despite Iraq's unconditional acceptance of resolution 687 (1991), all of its actions indicate the reverse:

(a) It has not acknowledged or agreed to be bound by the sovereignty and independence of Kuwait;

(b) It maintains its refusal to accept resolution 833 (1993), in which the Council endorses the boundaries that were demarcated by the Commission established for that purpose.

The main demand relating to the essence of the conflict has thus not yet been met, and it cannot be complied with or settled as long as there is no official declaration from Iraq, confirmed by its legislative and executive authorities in accordance with the constitutional procedures in force, to the effect that it recognizes the State of Kuwait and its sovereignty within its international boundaries as endorsed by resolution 833 (1993).

3. Iraq gave official expression to its true attitude towards Kuwait in the letter dated 16 March 1994 from Tariq Aziz addressed to the President of the Security Council. It stated that the question of Kuwait should be discussed after the sanctions were lifted, when international circumstances were appropriate and in a regional context. This position was rejected by all the members of the Security Council, and they regarded it as a violation of Iraq's obligations under resolution 687 (1991). In our last periodic letter, issued as document S/1994/545 of 6 May 1994, we set forth in detail Kuwait's position with regard to that letter.

4. At the Ministerial Meeting of the Movement of Non-Aligned Countries held in Cairo from 31 May to 3 June 1994, Iraq expressed reservations with respect to that part of the final document in which the Ministers for Foreign Affairs stressed, inter alia, the full implementation of all the relevant Security Council resolutions as the way to achieve peace, security and stability in the region. The Ministers also called on Iraq to declare its acknowledgement of Kuwait's sovereignty, independence and territorial integrity and of the demarcation of its international boundaries and to do so clearly and unambiguously by accepting resolution 833 (1993) in order to create a positive climate that would achieve security and stability in the region.

This reservation doubtless provides further evidence to be added to Iraq's long record of evasion of its obligations and attempts to circumvent the resolutions of the Security Council, and it further reveals Iraq's true intentions.

5. Despite its assertions that it had met the requirements of paragraph 2 (a) of resolution 686 (1991) concerning the rescission of annexation, Iraq continued to reiterate its sophistries and false claims to Kuwait until very recently, and it only desisted when it became convinced of the seriousness of the Security Council's demand that it must relinquish those claims. Iraq was then forced to make use of this evident tactic so as not to be adversely affected in its manoeuvrings and its persistent efforts for the mitigation of the economic sanctions.

6. Iraq's pretence that its information media have begun to respond to the wishes of the Security Council for a halt to the sophistries that they employ in referring to Kuwait is, as we have said above, a purely tactical measure. This is confirmed by the fact that Iraq has not retracted or denied these claims and sophistries and has not issued any official statement indicating that it respects the sovereignty and independence of Kuwait and its international boundaries as endorsed by resolution 833 (1993).

7. Textbooks printed in 1992 and used in Iraqi schools still contain the fallacies indicated in our previous periodic letter addressed to the President of the Council on 4 May 1994 (S/1994/454), and the narratives contained in geography and history books remain unchanged. You must be aware of the danger posed by the sophistries contained in these books for the intellectual and emotional development of schoolchildren and for readers who represent future adults.

II. IRAQ'S COMMITMENT TO AND RESPECT FOR THE DEMARCATED BOUNDARIES AS ENDORSED BY RESOLUTION 833 (1993)

1. There has been no change in Iraq's position rejecting the demarcation of the boundaries, and this is entirely in keeping with its attitude towards the existence of Kuwait as a whole. Iraq confirmed its rejection of the results of the work of the Boundary Demarcation Commission in its letters of 27 August 1992 (S/24496) and 7 June 1993 (S/25905) addressed respectively to the President of the Security Council and the Secretary-General.

2. The Iraqi regime's insistence on not permitting its nationals to accept compensation is a policy that accords with its position rejecting the boundaries. This was pointed out by the Secretary-General in his letter to the President of the Security Council issued as document S/1994/240, where he reports Iraqi officials as having said that Iraq could not agree to compensation because allowing its nationals to accept would be an action that might tend "to recognize the injustice deliberately inflicted on Iraq", by which they meant the question of the boundary demarcation.

The available evidence indicating that the Iraqi regime is responsible for the refusal of compensation by farmers includes the following:

/...

(a) Compensation of farmers by Iraq itself in the form of an "act of generosity by the Iraqi President" in the amount of 68 million Iraqi dinars, while farmers are not allowed to accept the amounts of compensation deposited with the United Nations by Kuwait. The Iraqi newspaper Al-Thawrah published this report on 10 June 1994;

(b) The failure of the Iraqi information media to publish the decision on compensation as requested;

(c) The statement made by the envoy of the Secretary-General, who visited the area and met the Iraqi farmers, that many of them had said that the Iraqi authorities were preventing them from receiving the compensation.

III. KUWAITI AND THIRD-COUNTRY PRISONERS AND DETAINEES

Despite the passage of more than three years since the adoption of Security Council resolution 687 (1991) and despite Iraq's official acceptance of that resolution, no progress has been made with regard to this humanitarian issue.

The Iraqi regime has time and again refused to attend meetings of the tripartite committee (which is made up of States members of the Coalition, Iraq and the International Committee of the Red Cross (ICRC) and deals with the question of prisoners and detainees) despite the many opportunities and long respites it has been granted. Although Iraq participated in the most recent meeting of the committee, held at Geneva on 1 July 1994, having boycotted it for a number of years and rejected its mandate and cast doubt on its legality, its participation was studiously tactical and was intended to create the illusion that it was cooperating in this humanitarian issue. Iraq's new tactic, exemplified by its nominal and low-level participation in the work of the tripartite committee, is intended to create the illusion that it is meeting its obligations under paragraph 30 of resolution 687 (1991) and to remove the prisoner issue from the Security Council during a time that Iraq considers crucial. Moreover, the Iraqi delegation that recently participated in the work of the tripartite committee produced nothing positive in connection with the prisoners' files but once again contented itself with casting doubt on the legality of those files. This confirms that Iraq's participation in the meeting in question had purely formal objectives. In addition, Iraq still refuses to allow ICRC to visit Iraqi prisons in accordance with the standard rules and procedures that govern its work. Iraq also has yet to respond to the official request made to it by ICRC for information on 625 individual files despite its prior undertaking to provide a reply on any file within 10 days of receiving such a request. (Iraq received the files in question in March 1993.) The Iraqi regime has thwarted all the inter-Arab and international efforts made to resolve this issue over the past three years, including the efforts of the Secretary-General of the League of Arab States and His Majesty King Hassan II.

Kuwait considers that, without the genuine and serious cooperation of Iraq with ICRC, without permission for ICRC to visit Iraqi prisons and without the provision of precise information by the Iraqi authorities on the prisoners' files in their possession, Iraq is to be regarded as being in fundamental breach

of the humanitarian obligations set forth in paragraph 30 of resolution 687 (1991).

In addition to the questions addressed above, Iraq continues to refuse to discharge its obligation with regard to compensation under section E of resolution 687 (1991) and still refuses to implement resolutions 706 (1991) and 712 (1991), a violation that is prejudicial to Iraqis and non-Iraqis alike. Moreover, Iraq has still not committed itself to the implementation of resolution 688 (1991), and the humanitarian dimension of this question cannot be ignored. The terrorist activities of the Iraqi regime during the past two years are also to be regarded as a flagrant violation of paragraph 32 of resolution 687 (1991), and they confirm that that regime continues to present a danger to regional and international security. Although Iraq is cooperating in a superficial manner in the return of property seized from the public and private sectors in Kuwait, it should be borne in mind that despite the items being returned by Iraq in conformity with its obligations under resolutions 686 (1991) and 687 (1991) the implementation of these two resolutions will be incomplete because most of the items handed over are damaged or destroyed by the Iraqi authorities and because those authorities insist that they are not responsible for the return of the property valued at hundreds of millions of dollars that was stolen from the private sector (S/1994/243).

The issues raised above are clear indications of Iraq's insistence on continuing to pursue a policy of defiance of Security Council resolutions inasmuch as the purpose of those resolutions is to guarantee full respect for the independence, sovereignty and territorial integrity of Kuwait. The international community must therefore take the necessary measures to ensure that Iraq complies with the letter and spirit of all the relevant Security Council resolutions. The Security Council must not limit itself to addressing the consequences of Iraq's invasion and occupation of Kuwait alone, but it must, primarily, address the Iraqi motives that underlay the invasion. In other words, the Security Council must reject any Iraqi claim that it is in compliance with the relevant Security Council resolutions until such time as it presents an authenticated instrument promulgated by its highest executive and legislative authority to the effect that it respects the sovereignty, independence and international boundaries of Kuwait in accordance with Security Council resolution 833 (1993). Failing this, the actions of the Iraqi regime will continue to represent a constant threat to security and peace in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative



Security Council

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11 July 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 10 JULY 1994 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a table showing the 2,075 miscellaneous bombs, shells, rockets and mines, ordnance left behind by the 30-Power aggression against Iraq, that were found and dealt with in all parts of Iraq in the period 1-30 June 1994.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Monthly bomb-disposal statement, 1-30 June 1994

No.	Civil defence department	Number and type of ordnance disposed of
1	Baghdad	50 tail units for the Russian-made Faz rocket 1 tail unit for the Russian-made RPG-7 rocket 1 defensive anti-personnel grenade 1 120-mm mortar shell 1 80-mm mortar shell 1 Faz rocket 1 anti-tank tail unit 1 500-gauge American rocket
2	Babil	40 cluster bombs
3	Basra	1 spherical bomb 15 spider bombs 50 mortar shells 17 artillery shells 1 hand grenade 675 anti-personnel mines 4 Taw-Taw mines 3 Faz rockets 20 RPG-7 rockets 3 small rockets
4	Ninawa	2 spherical bombs 1 air-to-surface missile 2 57-mm anti-aircraft artillery shells 50 120-mm mortar shells 2 58-mm anti-aircraft shells
5	Najaf	1 spherical bomb
6	Maysan	1 hand-grenade detonator 263 anti-personnel mines 40 artillery shells 6 napalm containers
7	Muthanna	4 artillery shells
8	Karbala	1 detonator 4 mortar shells 3 62-mm mortar shells
9	Dhi Qar	1 Faz anti-personnel rocket 2 defensive hand-grenades
10	Wasit	1 anti-tank mine



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S/1994/816
11 July 1994
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LETTER DATED 11 JULY 1994 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi national airspace committed by United States aircraft in order to carry out reconnaissance and cause provocation continued over the period 17 to 30 June 1994.

17 June 1994

(a) Northern region: 25 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Dohuk, Tall Afar, Zakho and Amadiyah.

(b) Southern region: 70 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Salman, Qurnah, Amarah, Artawi, Jalibah and Busayyah.

18 June 1994

Northern region: 17 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar, Amadiyah and Aqrah.

19 June 1994

Southern region: 42 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Basra, Qurnah, Qal'at Salih, Jalibah, Busayyah and Artawi.

At 1222 hours on 19 June 1994, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace over Artawi, Basra, Qurnah, Nasiriyah, Samawah, the area to the south of Najaf and the area to the south of Diwaniyah. It left at 1515 hours in the direction of Saudi Arabia.

20 June 1994

(a) Northern region: 17 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Shaqlawah, Aqrah and Amadiyah.

(b) Southern region: 48 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Amarah, Qurnah, Jalibah, Shanafiyah and Samawah.

21 June 1994

(a) Northern region: 22 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 56 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Qurnah, Qal'at Salih, Lasaf, Salman, Chabaish, Busayyah, Jalibah, Artawi and the area to the south of Diwaniyah.

22 June 1994

(a) Northern region: 21 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar, Aqrah and Amadiyah.

(b) Southern region: 2 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah.

23 June 1994

(a) Northern region: 9 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Amadiyah and Zakho.

(b) Southern region: 42 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Salman, the area to the south of Diwaniyah, Qal'at Salih, Qurnah, Artawi, Jalibah and Busayyah.

24 June 1994

(a) Northern region: 25 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho, Amadiyah, Aqrah and Ba'shiqah.

(b) Southern region: 40 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Basra, Nasiriyah, Qurnah, Salman, Chabaish, Busayyah, Jalibah, Artawi, Samawah and Qal'at Salih.

At 1115 hours on 22 June 1994, a two-aircraft formation broke the sound barrier over the Basra Governorate.

25 June 1994

Southern region: 48 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Basra, Qurnah, Jalibah, Busayyah and Artawi.

26 June 1994

(a) Northern region: 20 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Tall Afar, Aqrah and Zakho.

(b) Southern region: 40 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Salman, Qal'at Salih, Amarah, Artawi, Jalibah and Busayyah.

27 June 1994

(a) Northern region: 19 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar, Amadiyah and Ayn Zalah.

(b) Southern region: 44 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Basra, Nasiriyah, Qurnah, Samawah, Ushbayjah, Qal'at Salih, Jalibah, Salman, Shatrah, Busayyah and Artawi.

28 June 1994

(a) Northern region: 14 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Zakho, Dohuk, Tall Afar and Amadiyah.

(b) Southern region: 33 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Basra, Qurnah, Amarah, Qal'at Salih, Shatrah and Artawi.

At 1215 hours on 28 June 1994, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace over Nasiriyah, Samawah, the area to the south of Diwaniyah, Qurnah, Artawi and Shanafiyah. It left at 1420 hours in the direction of Saudi Arabia.

29 June 1994

(a) Northern region: 15 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Tall Afar, Zakho, Aqrah and Ayn Zalah.

(b) Southern region: 30 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Salman, Qurnah, Artawi, Jalibah and Busayyah.

30 June 1994

(a) Northern region: 17 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho, Amadiyah and Ayn Zalah.

(b) Southern region: 38 sorties flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Salman, Chabaish, Khidr, Jalibah, Busayyah and Artawi.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative



Security Council

Distr.
GENERAL

S/1994/817
12 July 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN YEMEN

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 931 (1994) of 29 June 1994, in which the Council requested the Secretary-General and his Special Envoy to continue talks under their auspices with all concerned, with a view to implementing a durable cease-fire and to the possible establishment of a mechanism acceptable to both sides, preferably involving countries of the region, to monitor, encourage respect for, help to prevent violations of the cease-fire and to report to the Secretary-General.

II. CEASE-FIRE MONITORING MECHANISM

2. Following the discussions I held separately with Mr. Haidar Abu Bakr Al-Attas, representing the South, and Dr. Abdul-Karim Al-Iryani, Minister of Development and Planning in the Government of the Republic of Yemen, on 24 June 1994, my Special Envoy arranged a face-to-face meeting between the two Yemeni leaders on 28 June. He subsequently had a series of joint meetings with both of them with a view to reaching an agreement on a cease-fire and to the possible establishment of a mechanism to sustain it.

3. In accordance with Security Council resolutions 924 (1994) of 1 June 1994 and 931 (1994) and on the basis of the cease-fire agreement signed in Moscow on 30 June 1994 (S/1994/778, annex), the discussions between the two sides led to a broad, tentative agreement on the establishment of a mechanism to supervise the cease-fire.

4. Acting on the basis of these discussions, my Special Envoy met with the Ambassadors of the countries of the region that the two parties had suggested as possible providers of observers and asked them if they could confirm in principle their countries' readiness to participate in the above-mentioned mechanism. The reaction of most of these countries was positive, but many expressed concern that the cease-fire was still not being observed on the ground.

5. Regarding the question of funding for the mechanism, my Special Envoy, as a preparatory step, established contact with interested Governments in the region who informed him of their willingness to contribute to a special fund to be established for this purpose, provided a cease-fire was effective.

III. CEASE-FIRE

6. It is obvious that discussions between the two Yemeni sides, or with countries from the region, on the question of establishing a mechanism and funding it could not go much further unless both parties demonstrated in a concrete manner the political will actually to implement the cease-fire and cooperated to make it effective.

7. On eight occasions, dates and hours were agreed for the cease-fire to enter into force. On eight occasions, the cease-fire did not hold for more than a few hours. Indeed, on some occasions, the designated time came and went, and the fighting did not even stop momentarily.

8. As one party was clearly much stronger than the other, it became more and more evident that a military solution was being sought and that resolutions 924 (1994) and 931 (1994) were being ignored despite repeated assurances that both sides accepted them and were willing to implement them.

9. Early in July, fighting intensified and events on the ground overtook diplomatic efforts in New York and elsewhere to contain the crisis. On 6 July, after fierce battles, particularly in and around Aden, troops loyal to the Sana'a Government seized control of the main cities in the South. Although some reports have spoken of pockets of resistance and of some fighting continuing here and there, it seems that military activities have now subsided.

IV. HUMANITARIAN SITUATION

10. As fighting continued, the humanitarian situation in Aden went from bad to worse. I mentioned in my previous report (S/1994/764) that water was becoming scarce. Conditions subsequently became extremely serious: neither running water nor equipment to draw water out of the city's some 40 wells was available.

11. The International Committee of the Red Cross (ICRC), working through its delegates in Sana'a and Aden, arranged for two shiploads of urgent aid to be delivered, including water pumps and generators. In their usual dedicated and selfless manner, Red Cross employees in Aden worked around the clock to provide some water to the inhabitants of the city. They pleaded for a cease-fire to be arranged on purely humanitarian grounds to repair the water station. Despite firm commitments made to the United Nations and to ICRC, fighting went on unabated. It became clear that repairing the main water station at Bir-Nasser would take a long time and that the only solution for the short term would be to transport water by truck. ICRC once again asked for a truce to allow them to bring in a convoy of 18 trucks to distribute water to certain parts of the city. Again, firm promises were made but were not kept.

12. I would like to take this opportunity to express to ICRC the United Nations appreciation for the admirable work it has done and continues to do under adverse conditions in Yemen. I would like also to recognize the dedicated service performed by non-governmental organizations and express my sympathy for the two medical officers of Médecins Sans Frontières who were wounded in Aden last week.

13. The Department for Humanitarian Affairs has been following the situation very closely in cooperation with the Special Envoy. As I indicated in my previous report (S/1994/764), a first evaluation was conducted early in June. This evaluation is being updated and it is expected that a new inter-agency mission will visit Yemen, in particular Aden and the other zones affected by the war, in the coming few days. Urgent aid is already being rushed from existing stocks in the area, particularly in Djibouti. Other organizations as well as some member countries are also actively preparing to contribute to relief efforts.

14. On 10 July 1994, the Assistant Secretary-General for Military Affairs of the Arab League, who was visiting Yemen, went to Aden with United Nations Resident Coordinator Dr. Aouni Al-Ani and representatives of other agencies. Eleven tons of medicaments and children's food were to be distributed by the United Nations in the last two or three days.

V. OBSERVATIONS

15. On 7 July 1994, I received Dr. Abdul-Karim Al-Iryani, Minister of Development and Planning in the Government of the Republic of Yemen. He delivered a letter from the Acting Prime Minister, Dr. Mohammed Said Al-Attar, in which the authorities in Sana'a committed themselves to an immediate cessation of all military activities and to the following decisions:

- (a) Comprehensive amnesty;
- (b) Compensation to all citizens who lost property as a result of the "rebellion" as well as to families of war victims;
- (c) Continuation of respect for democracy, political pluralism, freedom of speech and of the press, and human rights;
- (d) Determination to continue national dialogue in the framework of constitutional legitimacy and reaffirmation of commitment to the provisions of the "compact and agreement document" as a basis for building a modern Yemeni State;
- (e) Promotion of close cooperation with the States in the region on the basis of the principles of mutual respect, good neighbourly relations and non-intervention in internal affairs in conformity with the Charter of the United Nations, and development of close cooperation with its neighbours in the service of peace, stability and prosperity for the people of the Arabian Peninsula and the Gulf.

16. On 8 July, President Ali Abdallah Saleh of the Republic of Yemen called me on the telephone. In both my conversation with him and my meeting with Dr. Al-Iryani, I expressed the hope that the commitments made by the Government in Sana'a would soon be translated into action. I also pointed out that the cessation of military activities would not, by itself, end the crisis in Yemen; reconciliation and political dialogue between the parties were urgently needed. I informed Mr. Haidar Abu Bakr Al-Attas and Mr. Abdallah Al-Asnag of my discussion with Dr. Al-Iryani and reassured them that the United Nations would be ready to help in any way it could, should the two sides so desire. To all my Yemeni interlocutors, I made it clear that I would be sending a report to the Security Council in conformity with resolution 931 (1994).

17. On 8 July, I received Mr. Al-Attas and Mr. Al-Asnag, who, on behalf of their side, delivered to me a letter in which they pointed out that hostile actions were still being conducted by the other side and stressed the necessity:

(a) To implement Security Council resolutions 924 (1994) and 931 (1994) and effectively cease all military activities;

(b) To liberate all prisoners and end all actions aimed at killing, arresting and torturing people, which are continuing in an indiscriminate manner;

(c) To ensure respect for the Universal Declaration of Human Rights and allow concerned organizations to investigate violations and misconduct by the Northern forces;

(d) To start negotiations between the two sides under the auspices of the Special Envoy of the Secretary-General of the United Nations.

18. On 9 July, Dr. Al-Iryani and Ambassador Abdallah Saleh Al-Ashtal, Permanent Representative, of Yemen to the United Nations, met with Mr. Al-Attas and Mr. Al-Asnag once again in the presence of my Special Envoy. The two sides said they would keep in contact through him.

19. The news from Yemen is that fighting is now virtually over in all parts of the country. However, disturbing reports have been dispatched by newspaper correspondents flown to Aden from Sana'a. Looting and lawlessness as well as fires have affected much property, mostly publicly owned. Private property, including homes of Southern leaders, have also been targeted. These acts have been deplored by government leaders in Sana'a. However, firm action is urgently needed to put an end to them. The Special Envoy has been informed by the authorities in Sana'a that the Army will soon be withdrawn from the Governorate of Aden.

20. The phase of an all-out war in the Yemeni crisis seems to have come to an end. It is not known how many people lost their lives or were wounded, but it is known that there were too many and I can only express regret and sympathy to the families of the victims and to all those whose homes have been destroyed, to those who were forced to run for their lives far from their homes and to those whose property was destroyed or damaged.

21. Severe damage was also inflicted upon the infrastructure of this developing country. Water systems, power stations, oil refineries, airports and communication centres were totally or partially destroyed throughout the country. Much time and not readily available resources will be needed to repair the damage.

22. The people of Yemen expect the international community, through international and regional organizations as well as through bilateral cooperation, to extend a helping hand to them as they embark on reconstruction. The international community for its part expects the Yemeni leaders to address seriously and urgently the problems that lie at the root of their crisis and to ensure a lasting solution and credible stability.

23. The end of fighting is certainly a welcome development, but the people of Yemen and their leaders know better than anyone that this is not, by itself, the lasting solution that is needed. That solution will be achieved only through political dialogue between the two sides, as resolutions 924 (1994) and 931 (1994) urgently requested.

24. In the positions publicly proclaimed by the two parties and communicated by them to the United Nations there is enough common ground to permit such a dialogue to be initiated in a responsible and dignified manner and in a spirit of mutual respect. The Secretary-General remains ready to use his good offices and to extend all possible help and cooperation as soon as the two parties agree to his playing this role.



Security Council

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GENERAL

S/1994/818
12 July 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN ABKHAZIA, GEORGIA

I. INTRODUCTION

1. Further to my reports of 6 and 16 June 1994 concerning the situation in Abkhazia, Georgia (S/1994/529/Add.1 and S/1994/725), the present report is submitted in accordance with the requests contained in the letter dated 16 June 1994 from the President of the Security Council (S/1994/714) and in Security Council resolution 934 (1994) of 30 June 1994.

2. As also requested by the Security Council, consultations have continued with the Government of Georgia, the Abkhaz authorities, representatives of the Russian Federation and of the Commonwealth of Independent States (CIS) peace-keeping force in order to reach clear understandings on specific points relevant to the Council's decision to amend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) and to increase its strength.

3. In the course of these consultations, the two parties as well as the representatives of the Russian Federation and of the CIS peace-keeping force reiterated their support for the continued and expanded presence of UNOMIG and gave preliminary agreement to its proposed mandate as outlined in my report of 6 June (S/1994/529/Add.1, para. 7). The representatives of the CIS peace-keeping force further reaffirmed their intention to seek close cooperation and coordination with an expanded UNOMIG.

II. MANDATE AND TASKS

4. On the basis of these consultations and assurances, and in the light of the tasks envisaged for United Nations military observers in the Agreement on a Cease-fire and Separation of Forces (hereinafter referred to as "the Agreement"), signed in Moscow on 14 May 1994 (S/1994/583 and Corr.1, annex I), I am now in a position to propose to the Security Council the tasks which, should the Council so decide, an expanded UNOMIG would undertake and its concept of operations.

5. It is proposed that UNOMIG undertake the following tasks:

- (a) Monitor and verify the implementation of the Agreement;
- (b) Observe the operation of the CIS peace-keeping force within the framework of the Agreement;
- (c) Verify, through observation and patrolling, that troops do not remain in or re-enter the security zone and that heavy military equipment does not remain or is not reintroduced in the security zone or the restricted-weapons zone;
- (d) Monitor the storage areas for heavy military equipment withdrawn from the security zone and restricted weapons zone;
- (e) Monitor the withdrawal of troops of the Republic of Georgia from the Kodori valley to places beyond the frontiers of Abkhazia;
- (f) Patrol regularly the Kodori valley;
- (g) Investigate, at the request of either party or the CIS peace-keeping force or on its own initiative, reported or alleged violations of the Agreement and attempt to resolve such incidents.

6. It will be recalled that the Protocol to the Agreement provided, inter alia, that the CIS peace-keeping force would "exert its best efforts to maintain the cease-fire and to see that it is scrupulously observed ... It shall supervise the implementation of the Agreement and the Protocol thereto with regard to the security zone". In the light of these and other provisions of the Agreement, it is envisaged that the CIS peace-keeping force would be undertaking, in accordance with its mandate under the Agreement, tasks parallel to the tasks of UNOMIG outlined in paragraph 5 (a), (c), (e) and (f) above. It should be pointed out that the operation of the CIS peace-keeping force will be limited to the security zone, the Kodori valley and the coastal waters and the airspace of the restricted-weapons zone (see S/1994/529/Add.1, para. 5). UNOMIG, on the other hand, would operate in the security zone, the restricted-weapons zone, the Kodori valley and, as agreed by the parties, any other area necessary for it to fulfil its mandate.

III. CONCEPT OF OPERATIONS

7. At present, UNOMIG continues to fulfil its tasks as mandated by the Security Council in its resolution 881 (1993) of 4 November 1993. Its strength as of 12 July 1994 is 39 military observers. Deployment to the mission of its authorized strength of 55 military observers should be complete by the end of July. The Chief Military Observer has established two sector headquarters, in Gali and Zugdidi.

8. Members of the Security Council will recall that, on 5 February 1994, I dispatched a technical mission to the area to study the modalities of deploying a possible United Nations peace-keeping operation under the two options

described in paragraph 22 of my report of 25 January 1994 (S/1994/80). Although, owing to limitations on its movement and access, the team was not able to produce a detailed plan for either option, some of its findings have proved pertinent for developing the operational plan contained in the present report. In determining this plan and the deployment of UNOMIG, the concept of operations of the CIS peace-keeping force, to the extent information has been provided, has been taken into consideration.

9. Should the Security Council approve the tasks proposed for UNOMIG in paragraph 5 above, they would be carried out by an expanded UNOMIG, which would remain under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council. Command and control in the field would be exercised by the Chief Military Observer, who would continue to report to the Secretary-General, in particular, on the implementation of the Agreement, any violations and their investigation by UNOMIG, as well as other relevant developments. Furthermore, UNOMIG, by its presence in the area, would contribute to conditions conducive to the safe and orderly return of refugees and displaced persons.

10. UNOMIG would maintain its headquarters in Sukhumi and would establish three sector headquarters - in Sukhumi, Gali and Zugdidi - and a liaison office in Tbilisi (see the map annexed to the present report).

11. To perform its monitoring functions effectively, UNOMIG would need a combination of static teams and mobile patrols. It is envisaged that three mobile patrols would be required in Sukhumi sector to patrol the Kodori valley, monitor the weapons-storage site of the Abkhaz side and carry out investigations outside the security and weapons limitation zones. Gali and Zugdidi sectors would require a total of six static teams and six mobile patrols. Depending on requirements on the ground, those teams will be deployed either with pivotal checkpoints of the CIS peace-keeping force or with its battalion headquarters. They will patrol and carry out investigations within the security and weapons-limitation zones and monitor the weapons-storage site of the Georgian side. This organization should be flexible enough to allow adaptation to possible changes in the plans of the CIS peace-keeping force. Helicopter patrols would be conducted of mountainous and less accessible areas.

12. In order to undertake the above tasks in accordance with the concept of operations described, it is envisaged that UNOMIG would require a total strength of 136 military personnel, including the necessary military medical personnel, supported by international and local civilian staff. It should be noted that, owing to the difficult conditions on the ground, the degraded state of the infrastructure, lack of local personnel with the requisite skills and the paucity of necessary services, the number of international support staff required would be considerably larger than usual.

13. It is essential that military observers of UNOMIG have full freedom of movement and access to communications and inspection and enjoy other rights necessary for the performance of their tasks. In this regard, both parties have given assurances that UNOMIG would be accorded the freedom of movement required in the discharge of its mandate. UNOMIG and its personnel would also have to be granted all relevant privileges and immunities provided by the Convention on the

Privileges and Immunities of the United Nations. A status-of-mission agreement with Georgia, and necessary arrangements with the Abkhaz authorities, would therefore be finalized to enable UNOMIG to function effectively. As Sochi, in the Russian Federation, would be a major point of entry for personnel, matériel and supplies of the Mission, appropriate arrangements with the Russian Federation would also have to be made.

IV. COOPERATION AND COORDINATION BETWEEN UNOMIG AND THE CIS PEACE-KEEPING FORCE

14. UNOMIG would operate independently of but in close cooperation and coordination with the CIS peace-keeping force. UNOMIG also would maintain close contacts with both parties and military contingents of the Russian Federation in the zone of conflict.

15. Within the limited resources available so far to UNOMIG to establish liaison with the CIS peace-keeping force operations already in progress, the two forces have started operational cooperation. The CIS peace-keeping force has established a CIS Joint Command headquarters in Sukhumi and zonal headquarters in Gali and Zugdidi. They have completed their deployment and have established checkpoints throughout the security zone. CIS troops continue mine-clearing operations in the area of their deployment. The CIS peace-keeping force has also commenced monitoring of coastal waters and airspace within the security zone and the restricted-weapons zone.

16. The cooperation and coordination between UNOMIG and the CIS peace-keeping force would be maintained at four levels: force headquarters, sector zone headquarters, UNOMIG monitoring team with CIS battalion, and UNOMIG patrol with CIS patrols, checkpoints, etc. On the first two levels cooperation and coordination would be ensured both through regular weekly meetings as well as daily operational contacts, and on the second two levels through daily operational contacts. On all four levels, UNOMIG and the CIS peace-keeping force would be obliged to keep each other informed on positions, patrols and operational plans. All operational matters would in principle be resolved at the lowest level possible and referred up the chain of command only if agreement could not be reached at the lower level.

17. Decisions affecting both UNOMIG and the CIS peace-keeping force would be made through consultation. Investigations in the security zone and in the Kodori valley will be carried out by joint investigation teams which will be headed by UNOMIG representatives and with the participation of representatives of the CIS peace-keeping force. Elsewhere in the area of operation, investigation will be carried out by UNOMIG. Should UNOMIG and the CIS peace-keeping force not be able to reach an agreed conclusion, each commander would report his findings, noting the lack of agreement, to his headquarters for resolution at the political level.

18. Should a joint commission be established by the two parties and the CIS peace-keeping force, UNOMIG representatives would participate in its meetings. These meetings would be chaired by a representative of the CIS peace-keeping

force except in matters concerned with reported or alleged violations of the Agreement, in which case a UNOMIG representative would take the chair.

19. While, in keeping with established peace-keeping practice, the host authorities are responsible for the safety of UNOMIG personnel, the representatives of the CIS peace-keeping force have reaffirmed that the force, within its area of deployment, would take appropriate measures to ensure the safety of UNOMIG personnel. Further, should the CIS peace-keeping force find it necessary to enter into self-defensive military actions, its forces will ensure the safety of UNOMIG and other United Nations personnel.

20. Should the Security Council decide to authorize UNOMIG's new and expanded mandate, I intend to send a letter to the President of the Council of CIS defining the respective roles and responsibilities of UNOMIG and the CIS peace-keeping force.

V. RECENT DEVELOPMENTS

21. The situation on the ground is relatively calm and has improved with the arrival of the CIS peace-keeping force in the area. The situation in the Kodori valley, however, remains tense.

22. Unconfirmed reports from the area indicate that Georgian and Abkhaz sides have completed the withdrawal of troops and heavy military equipment from their respective sides of the security zone under the supervision of the CIS peace-keeping force, in accordance with the 14 May Agreement. Owing to the limitations of its present mandate, UNOMIG has been unable to verify the precise details of the withdrawal. Weapons-storage sites have also been selected.

23. Preparations are proceeding for the start of the programme of voluntary return of refugees and displaced persons, as agreed by the parties. The operational phase, beginning with the registration of those wishing to return, is likely to commence within the next fortnight. Taking into account the clearing process agreed by the parties, the first repatriation movement assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) could take place early in September. In the meantime, according to reports, some spontaneous return continues. Although it has not been possible to verify independently the extent of this movement, it apparently increased during the period leading up to and immediately after the deployment of the CIS peace-keeping force. This spontaneous return, however, has led to a corresponding increase in the number of mine accidents. The problem of mines in the Gali region is reported to be particularly serious.

24. As large-scale spontaneous returns evidently put a strain on the local situation and infrastructure and since such returnees are not covered by the procedures and guarantees agreed upon between the parties under the quadripartite agreement of 4 April 1994 (S/1994/397, annex II), all efforts are being made to commence the organized return process as soon as possible. As agreed by the parties, this process for which UNHCR is the lead agency, necessarily requires a minimum period of time to reach the operational stage. One important factor affecting the process is obtaining the necessary funds,

/...

which are urgently needed to purchase and transport relief and rehabilitation assistance and to bring the staff and administrative support to the level necessary to manage the operation satisfactorily. In the meantime, transportation, transit and reception facilities have been identified and are being prepared. Repatriation staff will be in place in the coming days. The World Food Programme (WFP) is stockpiling initial food supplies in the region. Implementing agencies have been identified and some potential donors have been approached for in-kind contributions.

25. With regard to political aspects, the Special Envoy of the Secretary-General, Ambassador Edouard Brunner, has visited the area for discussions with both sides. His visit was followed by a further round of political negotiations held at Sochi on 7 and 8 July 1994. The Security Council will in due course be informed of the outcome of these negotiations. Both parties and the representative of the Russian Federation have again expressed their keen wish to see the United Nations continue to be actively involved in the pursuit of a political settlement.

VI. OBSERVATIONS

26. Members of the Security Council will have noted that the Foreign Minister of the Russian Federation, in his letter addressed to me on 21 June 1994 (S/1994/732, annex), indicated that the CIS peace-keeping force is being deployed for a period of six months. Should the Council agree with the mandate and the concept of operations of expanded UNOMIG as described in the present report, I recommend that UNOMIG, with its expanded mandate and strength, also be authorized for a period of six months.

27. I shall further submit shortly an addendum to the present report on the administrative and financial implications of the operation described above.

28. Should the Security Council decide to expand UNOMIG as proposed, additional military observers required would be provided by Governments keeping in mind the accepted principle of equitable geographical representation. I already have contacted a number of Governments to explore informally their readiness to provide observers. As soon as I have received their responses, I will bring to the attention of the Council my recommendations in this regard.

29. I shall keep the Security Council informed about the operations conducted by UNOMIG under its expanded mandate. All matters that might affect the nature of its functions, particularly in its co-deployment with the CIS peace-keeping force, would be referred to the Council for its consideration.

30. Should the Security Council accept my recommendations as contained in the present report, it will be the first time that the Council will be considering the expansion of the mandate of UNOMIG to extend to the verification and monitoring of the implementation of the Agreement by the peace-keeping force established by the Commonwealth of Independent States in one of the former constituent republics of the Soviet Union. This will be a further step in the new direction of cooperation in peace-keeping activities between the United Nations and regional organization and alliances, as has already been done with

the Organization of African Unity, the Organization of American States, the European Union and the North Atlantic Treaty Organization. I am confident that the first joint venture between the United Nations and the Commonwealth of Independent States will enhance the effectiveness of efforts by States to promote peace and security in a troubled era.





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REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION
IN ABKHAZIA, GEORGIA

Addendum

1. In my report to the Security Council of 12 July 1994 (S/1994/818), I recommended in paragraph 26 that the United Nations Observer Mission in Georgia (UNOMIG) be extended for a further period of six months, to 21 January 1995. I also recommended that the strength of the Mission be increased from its current strength of 55 military observers to 136, including the Chief Military Observer.
2. Should the Security Council approve my recommendation, it is estimated that the total cost would amount to approximately \$15.7 million for the six-month period from 22 July 1994 to 21 January 1995. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.
3. It would be my recommendation to the General Assembly, should the Security Council decide to approve my recommendation, that the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to the UNOMIG special account established for this purpose.

Annex

Cost estimates for the expansion and extension of
the United Nations Observer Mission in Georgia
for the period 22 July 1994-21 January 1995

(In thousands of United States dollars)

	<u>Amount</u>
1. Military personnel costs	2 049
2. Civilian personnel costs <u>a/</u>	4 575
3. Premises/accommodation	172
4. Infrastructure repairs	-
5. Transport operations	4 303
6. Air operations	294
7. Naval operations	-
8. Communications	1 081
9. Other equipment	1 764
10. Supplies and services	213
11. Election-related supplies and services	-
12. Public information programmes	10
13. Training programmes	-
14. Mine-clearing programmes	-
15. Assistance for disarmament and demobilization	-
16. Air and surface freight	250
17. Integrated Management Information System	-
18. Support account for peace-keeping operations	389
19. Staff assessment	<u>629</u>
Total, lines 1-19	<u>15 729</u>

a/ Comprises 70 international staff and 81 locally recruited staff.



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THE SITUATION CONCERNING WESTERN SAHARA

Report by the Secretary-General

I. INTRODUCTION

1. The present report is submitted to the Security Council in pursuance of Council resolution 907 (1994) of 29 March 1994. It is divided into six main sections. Sections II and III provide an update on the activities of the military and the civil police components of the United Nations Mission for the Referendum in Western Sahara (MINURSO) since my reports of 10 and 21 March 1994 (S/1994/283 and Add.1 and Add.1/Corr.1). Sections IV and V cover all other subsequent developments. Section VI contains my observations and recommendations.

II. MILITARY ASPECTS

2. As of 30 June 1994, the military component of MINURSO, headed by the Force Commander, Brigadier-General André Van Baelen (Belgium), totalled 242 personnel, comprising 223 military observers and 19 military support personnel, as follows:

(a) Military observers and headquarters personnel

Argentina	4
Austria	4
Bangladesh	7
Belgium	1
China	20
Egypt	9
France	30
Ghana	4
Greece	1
Guinea	1
Honduras	14
Ireland	9
Italy	6
Kenya	10

Malaysia	6
Nigeria	1
Pakistan	4
Poland	2
Russian Federation	27
Switzerland	1
Tunisia	9
Uruguay	15
United States of America	29
Venezuela	<u>9</u>
Total	<u>223</u>

(b) Military support personnel

(i) Movement control: Honduras	2
(ii) Medical Unit: Switzerland	9
(iii) Clerical: Ghana	<u>8</u>
Total	<u>19</u>
Grand total	<u>242</u>

3. Pending the fulfilment of the conditions necessary for the commencement of the transitional period in accordance with the settlement plan (S/21360 and S/22464 and Corr.1), the military mandate of MINURSO remains restricted to monitoring and verifying the cease-fire. Accordingly, the deployment of the military component of MINURSO continues to be limited to military observers and the necessary military support personnel.

4. Both parties have continued to support the cease-fire, which has been in effect since 6 September 1991. During the reporting period, only one cease-fire violation was observed, and this was related to an unauthorized movement of a Royal Moroccan army convoy.

5. During the reporting period, a military observer from Uruguay was injured during a patrol in Mahbas subsector when his vehicle ran over a mine. An investigation is being conducted.

6. In my report of 10 March 1994, I advised the Security Council that the Governments of Australia, Canada and Switzerland - which provided the signals, movement control and medical units respectively - had informed me of their intention to withdraw these units from MINURSO between May and June 1994. In addition, the Government of Canada had indicated that it also intended to withdraw its military observers at the same time. I informed the Security Council that a number of Member States had been approached for replacement units, and I am pleased to report that the necessary arrangements for the replacement of these support units have been made.

7. The Australian signals contingent withdrew from the mission on 20 May 1994. The communications duties performed by the contingent have been taken over by military observers. Nine additional military observers have been deployed to MINURSO for this purpose.

8. While the main elements of the Swiss medical unit withdrew from the Mission on 18 June 1994, the Government of Switzerland has kept a small medical team of 10 personnel in the Mission until the arrival of the replacement medical unit. The replacement unit will be provided by the Republic of Korea and is scheduled to begin deployment by the middle of August 1994.

9. The Canadian contingent withdrew from the Mission on 29 June 1994. The Canadian movement control unit is being replaced by civilian staff. Two Honduran military personnel are also attached to this section.

10. When the transitional phase of the settlement plan is initiated, it will be necessary for MINURSO's communications and movement control elements to be replaced by full military support units.

III. CIVIL POLICE

11. During the reporting period, there have been no changes either in the number or the composition of the civilian police. The Security Unit of MINURSO is still composed of 26 police officers, including the Police Commissioner, Colonel Jürgen Friedrich Reimann (Germany):

Austria	6
Germany	5
Malaysia	5
Togo	5
Uruguay	<u>5</u>
Total	<u>26</u>

12. Activities of the civil police are linked to those of the Identification Commission and will expand as the work of the Commission increases. Current responsibilities include 24-hour security at centres in Laayoune (Western Sahara), Tindouf (Algeria) and Zouerate (Mauritania), where sensitive documentation is kept, coordination of logistics related to the Commission's work and other technical and physical support as appropriate.

13. In pursuance of Security Council resolution 907 (1994), the civil police component of MINURSO will be strengthened by 29 additional personnel, 24 of whom are scheduled to be deployed to the Mission by the end of July. These additional police officers will facilitate the anticipated expanded activities of the Identification Commission.

IV. PREPARATORY WORK FOR THE IDENTIFICATION AND REGISTRATION OF POTENTIAL VOTERS

Consultations in pursuance of Security Council resolution 907 (1994)

14. In its resolution 907 (1994), the Security Council agreed to the course of action outlined in option B of my report of 10 March 1994 (S/1994/283). In this course of action, the Identification Commission would analyse all applications received and proceed with the identification and registration of potential voters by 30 June 1994 on the basis of the compromise proposal of the Secretary-General on the interpretation and application of the criteria for voter eligibility, the terms of reference of the Identification Commission and the relevant provisions of the settlement plan. The Council supported my intention to continue efforts to obtain the cooperation of both parties and urged strict compliance with the timetable of option B, with a view to holding the referendum by the end of 1994.

15. On 15 March 1994, I appointed the Chairman of the Identification Commission, Mr. Erik Jensen, as Deputy Special Representative. In conformity with the plan, the Deputy Special Representative is in charge of the Mission during any absence of my Special Representative from the Mission area.

16. Upon the adoption by the Security Council of resolution 907 (1994), the Deputy Special Representative requested urgent meetings with both parties to discuss implementation of that resolution. During the first week of April, and again on 25 and 26 April, he met in the Tindouf area with Secretary-General Mohamed Abdelaziz and other senior officials of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO). During the second week of April, he met in Rabat with Mr. Driss Basri, the Moroccan Minister of the Interior and Information. In the course of these meetings, each party agreed to implement the provisions of resolution 907 (1994). Mr. Basri further agreed that Morocco would open additional offices to enable the Saharan population in all parts of Laayoune, as well as Smara, Boujdour and Dakhla, to complete application forms for participation in the referendum. The Frente POLISARIO confirmed their agreement in a letter to the Deputy Special Representative dated 30 April 1994, in response to a letter he had addressed to the two parties on 27 April. In a letter to me dated 20 May 1994, His Majesty King Hassan II reiterated the commitment of the Government of Morocco to respect the deadlines set by the Security Council.

17. During May 1994, the Deputy Special Representative held at Rabat a series of consultations with the Minister of the Interior and Information and Mr. Abdellatif Filali, Prime Minister and Minister for Foreign Affairs of Morocco, regarding procedural, legal and logistical matters. He was received in audience by His Majesty King Hassan II, who assured him of his full support and renewed the commitment of his Government to the referendum process. The Deputy Special Representative met several times again in the Tindouf area with the POLISARIO Coordinator with MINURSO and other officials to discuss various relevant issues.

18. In Algiers, the Deputy Special Representative met with Mr. Mohamed Salah Dembri, Minister for Foreign Affairs, and Mr. Mohamed Hanèche,

Secretary-General of the Ministry for Foreign Affairs. He was assured of the commitment of the Government of Algeria to a peaceful and lasting solution to the long-standing problem of Western Sahara. In Nouakchott, he was received by the President of Mauritania, Mr. Maaouya Ould Sid'Ahmed Taya, who gave his agreement to the opening of offices for the distribution and receipt of application forms. It was agreed that these offices, identified with United Nations flags and insignia, could open in the population centres of Nouadhibou and Zouerate, where Saharans were known to be living.

19. From 26 to 30 June 1994, the Special Representative and his Deputy held further meetings at Rabat and Algiers. The Special Representative was received in audience by His Majesty King Hassan II. At Algiers, the Special Representative and his Deputy held consultations with the Secretary-General of the Ministry of Foreign Affairs and also met with officials of the Frente POLISARIO.

Procedures relating to the identification and registration of potential voters

20. During the reporting period, application forms were provided to the parties, as requested, for distribution to potential voters. As requested by the Deputy Special Representative in a letter dated 27 April 1994, both sides began delivering completed application forms to the Identification Commission in May 1994 to enable it to analyse the data received and start identifying and registering potential voters in early June, in accordance with its provisional calendar of work submitted to the parties on 5 May. As of 4 July 1994, about 55,000 completed forms had been collected in the Territory, over 18,000 in the Tindouf area and over 3,000 in Zouerate. Of the applications received, about 20,000 have so far been processed by MINURSO staff especially assigned and trained for this purpose. The Commission expects to receive additional completed forms in the coming weeks.

21. In preparation for voter registration and identification, the Identification Commission staff have been thoroughly briefed on the criteria and documentation required to ascertain voter eligibility, and have undergone intensive training in the computer software to be used for identification purposes. Numerous simulations were conducted to alert staff to the required procedures and possible difficulties in the voter identification and registration process.

22. Clear procedures and guidelines have been developed to assist the identification teams in their work. The sheikhs and official observers, i.e. representatives of the two parties and the Organization of African Unity (OAU), will be provided with written instructions defining their duties. Information sheets will also be given to applicants, explaining the identification process step by step.

23. After having been photographed and fingerprinted, each applicant will appear before the identification team, which, in the presence of the relevant sheikhs and the official observers, will question the applicant concerning his or her identity and eligibility. Each applicant will be asked to submit the original of any document in his or her possession that may establish his or her identity and eligibility. The sheikhs, as appropriate, will be allowed to

examine such documents. They will be asked to take an oath under which they will swear to the truthfulness of any testimony they give. They will also be asked to sign a statement summarizing their testimony concerning each applicant. In conformity with its mandate (see S/26185, annex II), the Commission is empowered to take final eligibility decisions. The Commission members will review the evidence and testimony provided at the interview and will communicate a final decision concerning identification and eligibility in due course. The written information sheets given to each applicant will inform the applicants of their respective rights.

24. In accordance with the settlement plan, the official observers will be invited to submit to the Identification Commission any comments in writing, within 24 hours of the interview. These comments will be confidential and will not be communicated to the other party or to the sheikhs.

25. Once decisions have been made on voter eligibility, the Identification Commission will publish a voters' list and applicants will then receive their voter's registration card from the centres. Applicants who do not appear on the voters' list have the right to appeal the Commission's decision. Similarly, persons on the list have the right to challenge the inclusion of persons they do not believe qualified.

Announcement of the launching of the identification process

26. On 1 June 1994, the Deputy Special Representative announced the launching of the identification process, after the two parties had agreed on two tribal subfractions with which to start and on the relevant sheikhs to assist the Commission in determining the identity and eligibility of applicants members of those subfractions. Arrangements were also agreed upon for the travel, security and accommodation of the sheikhs concerned, as well as the representatives of the parties who were to observe the process. As agreed in exchanges of letters between the Special Representative and the Government of Morocco, Frente POLISARIO and the Government of Algeria between May and October 1993, it was understood that, in the performance of their duties with the Identification Commission, the sheikhs and observers of the parties were accorded immunities and privileges under articles VI and VII of the Convention on Privileges and Immunities of the United Nations.

27. The Identification Commission was scheduled to start identifying and registering potential voters on 8 June, simultaneously at Laayoune and the El-Aiun refugee camp in the Tindouf area. In conformity with the plan, the Commission was to undertake its work with the assistance of the tribal chiefs (sheikhs) and in the presence of observers of the two parties and OAU. However, the question of the designation of OAU observers could not be resolved in time to enable the Commission to start as scheduled.

The question of observers from the Organization of African Unity

28. It will be recalled that in the settlement proposals of the Secretary-General of the United Nations and the Chairman of OAU (S/21360, paras. 26 and 39), the referendum is to be organized and conducted by the United Nations, in cooperation with OAU, during a transitional period. The OAU representatives

are to be invited by the Special Representative to observe the organization and conduct of the referendum, without prejudice to his authority as provided for in the settlement proposals and plan. Under the plan (S/21360, para. 46), they are to be associated with the process throughout as official observers who may submit their observations at any stage to the Special Representative for his consideration and such action as he deems appropriate. In particular, they will participate, as appropriate, in the work of the Identification Commission and the Referendum Commission of MINURSO.

29. Pursuant to the settlement plan and Security Council resolution 809 (1993) of 2 March 1993, the Special Representative invited, in a note verbale dated 28 May 1993, the then Chairman of OAU, President Abdou Diouf of Senegal, to appoint two representatives of OAU as official observers of the work of the Identification Commission. In a note verbale dated 3 August 1993, the Executive Secretary of OAU to the United Nations informed the Special Representative of the designation, on instructions from the OAU Chairman, of two OAU secretariat officials as observers to the Identification Commission. At the request of the OAU secretariat, the Special Representative provided general modalities for the participation of OAU in the implementation of the settlement plan on 5 August 1993 and specific modalities for their participation in the work of the Identification Commission on 22 October 1993.

30. In a letter to me dated 19 August 1993, the Minister for Foreign Affairs of Morocco noted that the OAU observers had been designated from among officials of the secretariat of an organization which, in admitting the "pseudo SADR" as a member, had already prejudged the outcome of the referendum. He said Morocco would acquiesce in the participation of OAU only if the latter adopted "a rational position with regard to the right of the populations of Western Sahara for self-determination, by at least suspending the participation of the 'pseudo SADR' in the activities of the OAU". He added that, "on the other hand, Morocco would not object to the designation by His Excellency President Hosni Mubarak of Egypt of personal representatives to follow, in his name, the work of the Identification Commission in conformity with the relevant provisions of the settlement plan".

31. On 2 June 1994, a note verbale from MINURSO advised Morocco and the Frente POLISARIO in New York of the imminent start of the identification and registration process and the participation of the two designated OAU observers in the process. The parties were also advised that these observers would be accorded immunities and privileges in accordance with articles VI and VII of the Convention on Privileges and Immunities of the United Nations. In a note verbale dated 11 June 1994, the Frente POLISARIO accepted the status conferred on the OAU observers. In a letter to me dated 8 June, the Prime Minister of Morocco confirmed Morocco's agreement to the immunities and privileges accorded by the United Nations to the OAU observers. He reiterated, however, that these observers should be designated personally by the current Chairman of OAU and stressed that they should not be officials of the OAU secretariat. Questioning the impartiality of OAU, he said the latter "could not claim any participation in the organization of the referendum" if it "persisted in recognizing the 'so-called SADR' as a member and thus as an 'independent State' exercising its 'sovereignty' over the territory". He said Morocco had hoped that OAU would, at the very least, have suspended membership of the "Sahrawi Arab Democratic

Republic (SADR)" until completion of the referendum. He noted, however, that during consideration by the Security Council of recent resolutions, the OAU secretariat had, in Morocco's view, attempted to hinder rather than facilitate the implementation of the plan. In response to a note verbale from MINURSO dated 8 June 1994, the Frente POLISARIO accepted on 11 June the status conferred on the OAU observers. The leadership of the Frente POLISARIO subsequently stressed that the identification operation could only begin with an OAU presence.

32. In letters dated 17 June 1994 addressed to the Minister for Foreign Affairs of Tunisia and the Secretary-General of OAU, I drew the attention of President Ben Ali and Mr. Salim Ahmed Salim to the position of Morocco on the question of OAU observers and forwarded its Prime Minister's letter to me of 8 June 1994. Under the circumstances and in order not to delay further the beginning of the identification and registration process, I invited President Ben Ali, in his capacity as current Chairman of OAU, to designate his representatives as soon as possible, in consultation with OAU Secretary-General Salim Ahmed Salim. I stressed that, at this crucial stage in the process, the continued cooperation and support of OAU was more important than ever to the success of the operation. On 8 July 1994, I contacted Minister for Foreign Affairs of Tunisia Ben Yahia to request a speedy settlement of that problem, which was, in the final analysis, of a rather marginal nature. However, the problem had not yet been settled at the time of the preparation of the present report.

V. OTHER ASPECTS RELEVANT TO THE FULFILMENT OF THE SETTLEMENT PLAN

33. In its resolution 907 (1994) the Security Council also requested me to report on other aspects relevant to the fulfilment of the settlement plan. In this context, it may be useful to recall the main elements of the plan as described in my predecessor's report of 18 June 1990 (S/21360). During the transitional period, the United Nations is to organize and conduct a referendum in the Territory to enable the people of Western Sahara to choose between independence and integration with Morocco. To this end, there is to be a cease-fire followed by an exchange of prisoners of war, a reduction in the Moroccan troops in the Territory and confinement of the combatants of both sides to specific locations. In order to ensure that the necessary conditions exist for the holding of a free and fair referendum, the United Nations will monitor other aspects of the administration of the Territory, especially the maintenance of law and order. Following the proclamation of an amnesty, political prisoners will be released. All laws or regulations which might impede the holding of a free and fair referendum will be suspended as deemed necessary. All refugees and other Western Saharans resident outside the Territory who wish to return will be enabled to do so by the United Nations, after the latter has established their right to vote.

34. An overview of these main elements of the plan, and activities undertaken or to be undertaken accordingly, is provided below.

Authority of the United Nations

35. In the settlement proposals of the Secretary-General of the United Nations and the current Chairman of OAU (S/21360, part I), to which Morocco and the Frente POLISARIO agreed in principle in August 1988, the two parties recognized that sole and exclusive responsibility for the organization and conduct of the referendum was vested in the United Nations. They had thus accepted that the Organization would have the authority to take the legislative and administrative steps necessary to accomplish that purpose. Accordingly, my predecessor issued on 8 November 1991 general regulations governing the organization and conduct of the referendum (S/26185, annex III), which essentially embody the relevant provisions of the settlement proposals, and I promulgated on 26 April 1993 the mandate of the Identification Commission of MINURSO (ibid., annex II).

36. As provided for in the plan (S/21360, paras. 47 (a) and 58), my Special Representative, acting under my authority and, as necessary, on instructions from and in consultation with me, has sole and exclusive responsibility over all matters with regard to the organization and conduct of the referendum. The above regulations authorize the Special Representative, and relevant components of MINURSO acting with his consent, to issue rules and instructions, consistent with the regulations, which give detailed effect to the regulations. The regulations, rules and instructions will provide the fundamental basis for the organization and conduct of the referendum and will thus, to the extent of their incompatibility, prevail over existing laws or measures in force in the Territory.

Transitional period

37. As may be recalled, the transitional period was to begin on "D-Day", with the coming into effect of the cease-fire on 6 September 1991. However, the start of the transitional period and D-Day have had to be postponed during the past three years as a result of delays in the completion of preparatory work, which were caused by fundamental differences over interpretation of the settlement plan, in particular the criteria for eligibility of voters. While the Frente POLISARIO has accepted the criteria enunciated by my predecessor in his report of 19 December 1991 (S/23299), it has maintained its reservations on some key provisions of my compromise proposal concerning the interpretation and application of the criteria (S/26185, annex I). The POLISARIO leadership has nevertheless agreed that the Identification Commission should proceed with the identification of potential voters as requested by the Security Council in its resolution 907 (1994).

38. On the assumption that the Identification Commission will soon be able to proceed with the identification and registration of potential voters as requested by the Security Council in its resolution 907 (1994), and that the Council subsequently decides to hold the referendum, it is my intention to recommend in my next report that the transitional period should start on 1 October 1994 and end with the proclamation of the results of the referendum, which should take place on 14 February 1995, as proposed in the revised timetable annexed to the present report.

Exchange of prisoners of war

39. The settlement proposals and plan provide for an exchange of prisoners of war under the auspices of the International Committee of the Red Cross (ICRC). Since the inception of MINURSO, the Special Representative has kept ICRC informed of the situation concerning Western Sahara. ICRC held recent consultations with the two parties on preliminary steps towards the fulfilment of its mandate. It is my earnest hope that further sustained efforts will enable ICRC to ensure the release of all prisoners of war from both sides as soon as possible after 1 October 1994.

Reduction of Moroccan troops in the Territory

40. As stated in paragraph 14 of my predecessor's report of 19 April 1991 (S/22464 and Corr.1), Morocco had undertaken to reduce its troops in the Territory to a level not exceeding 65,000, all ranks, within a period of 11 weeks from the coming into effect of the cease-fire on D-Day. My predecessor had accepted this as an appropriate, substantial and phased reduction in accordance with the settlement proposals. Should the Security Council decide, on the basis of my next report, that D-Day will be on 1 October 1994, I will then recommend that the reduction of Moroccan forces in the Territory should be completed not later than 15 December 1994.

Confinement of troops to designated locations

41. Paragraph 15 of document S/22464 states that, in accordance with paragraph 56 of document S/21360, all remaining Moroccan troops will be located in static or defensive positions along the sand wall, with the limited exceptions mentioned in that paragraph. All will be monitored by the military observers of MINURSO, who will be collocated with Moroccan subsector headquarters on the sand wall and with the support and logistics units remaining elsewhere in the Territory. The military observers will conduct extensive patrols by land and air to ensure observance of the cease-fire and the confinement of the Moroccan troops to the designated locations. They will also monitor the custody of certain arms and ammunition.

42. As regards Frente POLISARIO troops, the plan states that the Special Representative will, in accordance with the settlement proposals, designate the locations to which they will be confined, with their arms, ammunition and military equipment. They will be monitored by the military observers of MINURSO, who will be deployed at each of the designated locations (S/22464, para. 16). In that regard, the Governments of Algeria and Mauritania have indicated their readiness to cooperate with the Special Representative (S/21360, para. 57). It is my intention to take a final decision on the matter shortly before 1 October 1994, bearing in mind the consultations held by the former Special Representative in 1991 and any further views which I may seek from the two parties and the neighbouring countries on this question.

Release of political prisoners and detainees

43. As provided for in the plan (S/21360, paras. 33 (b) and 70), the Special Representative will, in cooperation with the parties and with the assistance of

an independent jurist appointed by the Secretary-General, take steps to ensure the release of all Saharan political prisoners and detainees before the beginning of the referendum campaign, so that they can participate freely and without restriction in the referendum. To this end an amnesty will be proclaimed as the first stage. Any difference concerning the release of political prisoners or detainees will be settled in a manner satisfactory to the Special Representative.

44. Mr. George Abi Saab (Egypt), who was appointed independent jurist by my predecessor, undertook preliminary research work on the question in 1991. Efforts will be pursued with the parties to ensure that, following the proclamation of an amnesty as soon as possible after 1 October 1994, all Saharan political prisoners or detainees will be released well before the referendum campaign begins on 25 January 1995, as proposed in the timetable below.

Suspension of laws which might impede a free and fair referendum

45. Under the plan (S/21360, paras. 33 (a) and 71), the Special Representative is to ensure, before the beginning of the referendum campaign, that the authorities involved suspend any law or measure which, in his judgement, could obstruct the conduct of a free and fair referendum and which would not otherwise be superseded by the regulations, rules and instructions referred to in paragraph 58 of document S/21360. Preliminary work on this question was undertaken by the Office of the Special Representative in early 1992. I expect to have this work completed before 15 December 1994, in accordance with the timetable annexed to the present report.

Organization of the referendum

46. The plan provides for the establishment of a referendum commission, to assist the Special Representative in the organization and conduct of the referendum. The functions of the Referendum Commission, which include measures for the referendum campaign and the actual conduct of the referendum, are specified in paragraphs 63 to 66 of document S/21360 and further detailed in paragraphs 25 to 31 of document S/22464. As required by the plan, I shall issue terms of reference for this Commission in due course. The Referendum Commission will absorb appropriately qualified staff of the Identification Commission, upon completion of the latter's tasks of identification and registration in November 1994.

47. As may be recalled, both parties accepted my predecessor's proposal to establish a code which would govern their conduct and behaviour and that of their supporters during the referendum campaign. The purpose of the code of conduct is to ensure that, while there is freedom of political campaign, there will also be a consequent responsibility placed on all concerned to accept others' freedom to campaign (see S/22464, para. 28). Further to that proposal, the Office of the Special Representative prepared a draft code of conduct in early 1992. It is my intention to finalize this draft in the coming weeks in consultation with the parties.

48. As stated in paragraph 30 of document S/22464, an adequate number of polling stations will be established throughout the Territory in order to give

all eligible Western Saharans the opportunity to vote in the referendum. Voting will take place only in the Territory. The precise locations of the polling stations will be determined on the basis of the data collected during the registration of voters, as well as existing population centres and areas where returning Western Saharans will have been located.

Return of refugees, other Western Saharans and members of the Frente POLISARIO entitled to vote

49. The modalities for the repatriation of those Western Saharans who are identified as eligible to vote in the referendum and who wish to return to the Territory to do so, are described in document S/21360 (paras. 33 (c) and (d) and 72-74) and further detailed in document S/22464 (paras. 34-36). The Office of the United Nations High Commissioner for Refugees (UNHCR) is to be responsible for the repatriation programme, which forms an integral part of the MINURSO operation and is to be carried out in accordance with the mandate of UNHCR. Its task will be threefold: to ascertain and record the repatriation wishes of each Western Saharan as he or she is registered as a voter by the Identification Commission; to issue the necessary documentation to the members of his or her immediate family; and to establish and manage, in cooperation with MINURSO, which will provide security, the reception centres that will be established in the Territory for the returning Western Saharans.

50. It is intended that repatriation will begin shortly after completion of the work of the Identification Commission, i.e. on 15 December 1994, and will be completed immediately before the beginning of the referendum campaign on 25 January 1995. As indicated in paragraph 36 of document S/22464, UNHCR will thereafter maintain a presence in the Territory, as necessary, in order to fulfil its monitoring role for returnees, in accordance with its internationally accepted responsibilities.

The referendum and proclamation of its results

51. Under the plan (S/21360, paras. 47 (j) and 75 and 76), the referendum should be held 24 weeks after D-Day and its results should be proclaimed within 72 hours. The Special Representative will have the authority to determine whether circumstances require any alteration in these deadlines. If the decision is for independence, the withdrawal of all remaining Moroccan troops will begin within 24 hours and will be completed within 6 weeks. The withdrawal will be monitored by the Military Unit of MINURSO. If the decision is for integration with Morocco, the demobilization of any Frente POLISARIO troops who have not returned to take part in the referendum will begin within 24 hours of the proclamation of the result and will be completed within 4 weeks, under the monitoring of the Military Unit of MINURSO. As soon as the results of the referendum have been proclaimed, the Special Representative will begin to reduce United Nations personnel in Western Sahara. The Special Representative and his remaining civilian and military staff will complete their withdrawal as soon as possible after all the tasks assigned to them by the Security Council have been satisfactorily carried out.

52. It is my intention to formulate in due course detailed modalities for giving effect to the above provisions of the plan.

V.. OBSERVATIONS

53. During the reporting period, the Identification Commission focused its efforts on achieving the agreement and cooperation of both parties in order to proceed with the identification of potential voters. As a result, the Commission succeeded in completing, with the cooperation of the parties, all the necessary groundwork for launching the process. However, it could not start the identification operation because of the difficulty over the OAU observers described in paragraphs 28 to 32 of the present report.

54. In order to overcome this difficulty, I have held extensive consultations with the current Chairman and the Secretary-General of OAU and with other interested parties. I shall continue to make every effort to ensure that observers chosen by the current Chairman of OAU arrive in the Mission area as soon as possible to enable the Identification Commission to start the identification and registration of potential voters, as requested by the Security Council in its resolution 907 (1994).

55. Meanwhile, the Identification Commission has collected a total of over 75,000 completed application forms, of which 20,000 have so far been processed and analysed. The Commission intends to set 31 August 1994 as the deadline for receipt of applications. As all the necessary procedural, logistical and technical arrangements have been made to enable the Commission to start identifying and registering potential voters, any further delays in launching this operation will obviously result in considerable waste of resources.

56. As indicated in paragraph 38 of this report, it would be my intention to recommend that the transitional period should start on 1 October 1994 and that the referendum should take place on 14 February 1995, should the Security Council decide on the basis of my next report that the referendum should be held in fulfilment of the settlement plan.

57. If the timetable in the annex to this report is to be implemented, the question of the OAU observers will have to be resolved as soon as possible in order to permit the identification operation to begin this month or in August at the latest. The interview process will be complicated and time-consuming. In this unprecedented experience involving a tribal nomadic society, it is impossible to predict the number of applications to be processed and to determine with accuracy the time required for the identification and registration of potential voters and for appeals procedures. According to the best estimates provided by MINURSO, the Identification Commission would require at least 40 teams of three to four members each to be able to complete its tasks in November 1994.

58. As regards other aspects relevant to the fulfilment of the plan, it is my intention, in the forthcoming weeks, to give priority to the conclusion of a code of conduct and the confinement of troops in designated locations, among other questions raised in section V of the present report. Arrangements for the confinement of each party's combatants would require Member States to be willing to provide MINURSO with the military personnel needed.

59. On the basis of the above considerations, I intend to submit to the Security Council a final progress report before the end of August 1994, in pursuance of Council resolution 907 (1994).

Annex

Proposed timetable for fulfilment of the United Nations
Mission in Western Sahara

- July-August 1994: The Commission begins to identify the persons qualified to participate in the referendum and to register them as eligible voters, upon presentation and verification of evidence establishing their identity and eligibility to vote. The Commission also announces arrangements for the appeals process.
- Before 1 October 1994: The Special Representative designates locations for the confinement of POLISARIO combatants; initiates discussions with the two parties about a code governing their conduct and that of their supporters during the referendum campaign; and, with the assistance of the independent jurist appointed by the Secretary-General, makes preliminary arrangements for the release of political prisoners or detainees. The International Committee of the Red Cross makes preliminary arrangements for the release of prisoners-of-war.
- 1 October 1994: The transitional period begins. The combatants of the two sides are confined to designated locations. All MINURSO units (except infantry battalion, 200 CIVPOL officers and some UNHCR and referendum personnel) are deployed to the Mission area.
- As soon as possible after 1 October 1994: Prisoners-of-war are exchanged. Amnesties for political prisoners and detainees and for returnees are proclaimed; all political prisoners or detainees are released.
- November 1994: The remaining 200 CIVPOL officers are phased in. The infantry battalion (700) and additional UNHCR personnel are deployed to the Mission area. The Identification Commission completes the identification and registration of voters. The Secretary-General approves and publishes the final list of voters.
- Not later than 15 December 1994: The reduction of Moroccan forces in the Territory is completed. All laws or measures that could obstruct the conduct of a free and fair referendum are suspended.
- 15 December 1994: The repatriation programme begins. The paramilitary units in the existing police forces are neutralized.
- 25 January 1995: The repatriation programme is completed. The referendum campaign begins. Additional polling staff are deployed to the Territory.
- 14 February 1995: The referendum campaign ends and the referendum takes place. The results are proclaimed. The withdrawal of MINURSO personnel begins.
- March 1995: MINURSO's monitoring responsibilities arising from the referendum results are completed.